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ABSTRACT

A concern over the academic autonomy of public colleges and universities, as demonstrated by the increasing exercise of legal prerogatives to supervise and control these institutions on the part of state governments, and the appearance and rapid spread of collective bargaining for academic and other professional personnel prompted the study of the New York State system. The examination sought to determine to what extent and in what manner collective bargaining has had an impact on the relationships between the State University of New York and various offices and agencies of the state government. (Author/JMF)

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COLLECTIVE BARGAINING. THE STATE UNIVERSITY AND THE STATE GOVERNMENT IN NEW YORK

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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DECEMBER 1975

COLLECTIVE BARGAINING. THE STATE UNIVERSITY AND THE STATE GOVERNMENT IN NEW YORK

Report of survey and analysis of the impact of collective bargaining by academic and non-teaching professional personnel on the relationships between the State University and the State government.

Funded by the Carnegie Corporation of New York through the Research Foundation of the State University of New York

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CONTENTS

BACKGROUND FOR THE STUDY 5

Collective Bargaining in the Public Sector 6

Unionism in the State University 7

METHODOLOGY 10

ORGANIZATIONAL BACKGROUND IN NEW YORK 13

Education Law and Organization of the State University 14

Taylor Law and the Public Employment Relations Board 17

Office of Employee Relations 19

ANALYSIS OF FINDINGS 22

Impact on Individual Offices and Agencies 22

Generaliz, tions 32

PUBLIC POLICY IMPLICATIONS 37

APPENDICES 42

Budget Process of the State University of New York 42

Relationships of the State University with Agencies of State Government 45

Individuals Interviewed 48

Secondary Sources 51

PREFACE

The study reported here was prompted by the investigators' concern about the academic autonomy of public colleges and universities. Two different but related developments in recent years have given evidence of an impact upon this autonomy. One is the increasing exercise of legal prerogatives to supervise and control these institutions on the part of state governments. The second is the appearance and rapid spread of collective bargaining for academic and other professional personnel.

Responding to this concern, the investigators have examined in depth the situation in one state, New York, in which clear evidence exists of both developments. This examination has sought to determine to what extent and in what manner collective bargaining has had an impact upon the relationships between the State University of New York and various offices and agencies of the State government.

The report stemming from this study has been organized in five sections, as follows:

(1) A brief historical description of collective bargaining in public higher education generally and of its evolution in the State University of New York.

(2) A brief statement of the methodology and sources used for the study.

(3) A review of the organizational structures and legal considerations which underlie collective bargaining for the University.

(4) A report of findings in terms of impact upon University and State government relationships and of generalizations which emerged.

(5) A brief interpretation of the significance of the findings for general public policy development.

The study covers the situation from 1970, when collective bargaining was initiated for the University, through December 1974, following the agreement on a second contract between the Office of Employee Relations for the State government and the United University Professions for the professional personnel of the University.

In submitting this report, we wish to acknowledge a great indebtedness to the individuals within the University, the State government, and the United University Professions who contributed so freely of their time and insights. Their cooperation has made this study possible. We hope, in turn, that what we report here will contribute constructively to a better understanding of a critical development for American higher education.

E.D.D. and R.S.F.

ABBREVIATIONS AND ACRONYMS

AAUP	American Association of University Professors
AFT	American Federation of Teachers
CUNY	City University of New York
NEA	National Education Association
NLRB	National Labor Relations Board
NYSTA	New York State Teachers Association
NTP	Non-Teaching Professional
NYSUT	New York State United Teachers
OER	Office of Employee Relations (State of New York)
PERB	Public Employment Relations Board (State of New York)
SED	State Education Department (New York)
SPA	Senate Professional Association
SUFT	State University Federation of Teachers
SUNY	State University of New York
UUP	United University Professionals

BACKGROUND FOR THE STUDY

Collective bargaining in the public sector responds to a number of specific influences. Its character stems from provisions of state enabling laws, the personalities and commitments of participating individuals, political influences idiosyncratic to the different states, the press of national faculty associations, and similar practical and significant elements. Yet, in the longer view, the future impact of the process on public higher education, both in general and in New York State, should be viewed within the context of a broader development: the interplay of forces pressing for greater accountability to the state government with those supporting the traditional autonomy of the academic enterprise.

The history of state government-institution relationships over the past several decades reveals a clear trend toward increased centralization of authority. The trend is exemplified in the movement toward statewide systems of colleges and universities and in the exercise of supervision and financial controls by state executive officials. In managerial terms, the locus of significant decision-making is moving from the campus to the state capital, chiefly in financial matters -- but also in regard to physical plant development and coordination of educational programs among institutions. Also, the increasing tendency of state budget officers and legislators to examine proposed expenditures more critically presages a far stronger voice for them in what previously has been strictly internal, academic affairs.

This extension of involvement by state governments in public higher education has followed closely upon the expansion of state institutions and the increase in state appropriations to finance them. The authors of this report commented on the situation in a recent analysis of collective bargaining, as follows:

> As higher education has become more available and consequently expanded, and as it has achieved an increasing importance for society and its economy, public support has become increasingly a necessity and a prime source for funding. With this support has come control, at least in public institutions, from budget and auditing offices, civil service commissions, and other agencies of the executive branch of state government; and increasing legislative scrutiny of mounting budget requests; the overseeing of grants and allotments; and state-wide coordinating and supervisory boards. The communications involved in nearly all of these bypass governing boards. Furthermore, state coordinating and supervisory boards, with their own executive bureaucracy, have added to the decision-making flow which passes by boards to presidents and even to members of institutional administrative staffs. (Duryea, Fisk, and Associates, *Faculty Unions and Collective Bargaining*, Jossey-Bass, 1973, page 201.)

The trend toward increased state supervision and control is most dramatically illustrated in statistics about the establishment of central

coordinating and supervisory boards supplementing and, at times, replacing existing institutional governing boards. In 1950 three states had central coordinating boards for higher education; fourteen had consolidated boards for all higher education or for state college systems; thirty-one had no structure for coordinating higher education. In 1975, twenty-seven states have central coordinating boards, and twenty have moved to single governing boards. Only three remain without some form of state-mandated structure for public colleges and universities. Within the last two years, North Carolina and Wisconsin have consolidated their public four-year colleges and universities under one governing board. The evidence to date indicates continuing pressure by state governments for centralization of public colleges and universities as a means for gaining greater control over their operations.*

Against this backdrop, collective bargaining has appeared, encouraged by enabling legislation and fostered by three national educational associations: the American Association of University Professors (AAUP), the National Education Association (NEA), and the American Federation of Teachers (AFT). These associations have approached the unionization of individual public colleges and universities in close coordination with their state-wide structures. They constitute one further instrumentality conducive to centralization of decision-making.

Collective Bargaining in the Public Sector

Collective bargaining for professionals in higher education was not anticipated. One need only contrast the report of the 1967 task force of academic leaders sponsored by the American Association for Higher Education with the situation of 1975. The task force enunciated a firm commitment to the concept of "shared authority" based upon recognition of the community of interests within which faculty members and administrators cooperate in governing colleges and universities. This point of view culminated a fifty-year development fostered by AAUP. In 1975, shared authority may remain as an ideal for many academicians, but 261 institutions representing 380 campuses have established bargaining agents which typically stress polarity in interests between faculty members and administrators.** While the pace of expansion may be slowing, each year more faculties unionize; and few, if any, withdraw from their commitment to unionism. Indeed, even the AAUP has firmly committed itself to collective bargaining as a major means for protecting the interests of academicians.

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* Evidence of the growing involvement of state governments is attested to in the study Robert O. Berdahl has reported in his 1971 book entitled, *State Coordination in Higher Education*. The 1971 Carnegie Commission of Higher Education report, *The Capitol and the Campus: State Responsibility for Post-Secondary Education*, supports this account of the growing involvement by state governments in public higher education.

** Report of the National Center for the Study of Collective Bargaining in Higher Education at Baruch College, City University of New York, April 15, 1975.

Unionism is strongest in the public two-year colleges, but is moving decisively into four-year colleges and some major universities. Similarly collective bargaining in higher education has centered in the northeast (New York, New Jersey, Pennsylvania, and New England) and in the northern middle west (Michigan, Wisconsin, and Minnesota), but the evidence confirms that it is spreading to other regions.

Several factors have motivated professional personnel to turn to unionism. For the public sector, the phenomenon has followed rather closely the passage of legislation protecting the rights of public employees to unionize and bargain in good faith with agencies of government. Clearly, the growth in number and power of unions at the public school and two-year college level has influenced faculty members in four-year colleges and universities. And certainly the end of the boom years in higher education has created concern about future compensation and job security.

However, for this analysis of public higher education as it relates to unionism, the significant point is not so much the causes of unionism *per se* but its burgeoning at a time when state governments have begun to review seriously their financial commitments to higher education. Collective bargaining poses a potential counterforce for the protection of professional staff interests against likelihood of economic curtailment and challenges to academic tenure combined with increased workload, proposals which have had from time to time support among state legislatures and state coordinating bodies.

Finally, in order to place the New York State situation in perspective, it should be noted that union organization has tended to parallel the structures upon which public higher education is based and to support system and state-wide bargaining. Thus, in Michigan where the universities have a constitutional rather than statutory base and autonomous governing boards, bargaining takes place on an institution-by-institution basis. In New York, the large, complex State University system has its counterpart in a Statewide (excluding the City University of New York) union. In New Jersey and Pennsylvania, with systems of state colleges but separate universities, collective bargaining adheres to this institutional structure. Unit determination decisions by public employment relations boards have tended to promote the same pattern. In consequence, one finds a tendency to increase the involvement by state officials in the bargaining process. The Office of Employee Relations (OER) which handles negotiations for all State employees in New York serves as an agency of the executive branch. In Pennsylvania the office of the Commissioner of Education serves similarly, while in New Jersey a court decision has established the role of the governor as the employer for the state colleges. In Hawaii a representative of the Governor handles negotiations, although the university and its board do participate through designated representatives.

Unionism in SUNY

The faculty members and non-teaching professionals of the State University of New York (SUNY) were the last state employees to organize under legislation permitting public employees to bargain collectively. The legislation

had been enacted in 1967, but it was not until nearly four years later, in January 1971, that a bargaining unit for SUNY had been determined and a bargaining agent chosen and certified by the Public Employment Relations Board (PERB).

The unit determination issue delayed election of an agent and is significant for this analysis because of its implications for the University's organization and relationship with the State. Three issues had to be resolved, all of them significant for the character of the collective bargaining relationships which followed: (1) the size of the unit geographically; (2) the categories of employees to be included; and (3) the organizations qualified to participate in the election. The first issue was resolved by including all campuses in one large unit; and the second by including in the unit both faculty members and non-teaching professional staff members (NTPs), about 14,500 with two-thirds academicians. Responding to a challenge by the State University Federation of Teachers (SUFT), PERB recognized the right of the University-wide Faculty Senate to participate in the unit determination election, but reserved for future determination its status as an "employer dominated" organization. This ruling was upheld in the courts; but, after complex maneuvering and consideration of various options, the Senate leadership chose not to enter the election.* Instead, some of its members assisted in the formation of the Senate Professional Association (SPA) which combined elements of both the Senate and an association representing the NTPs.

During the election campaign in late 1970, which followed finalization of the unit determination issue, SPA entered into an informal association with NEA and its State affiliate, the New York State Teachers Association (NYSTA), from which it received financial and organizational support. It was endorsed by many senior faculty members and by the leaders of the NTPs. SPA won a run-off election against SUFT in January 1971, received formal certification, and entered into negotiations with the State Office of Employee Relations (OER). About the same time, it affiliated formally with NEA and NYSTA. Negotiations extended through the summer and resulted in a contract approved in August 1971 and effective from July 1, 1971, to June 30, 1974.

PERB determination for one large unit created organizational difficulties for the new union, problems which have restricted its influence with the State government and the University's Central Administration. Faculty members' interests and value commitments differed from those of the NTPs; university centers represented a substantially different function within the University from the four-year and two-year colleges, in turn distinctive between themselves; and health science center needs and relationships differed from those of the other units.

Two years later, the merger of NYSTA and the State AFT organization (the United Teachers of New York) to form the New York State United Teachers (NYSUT) put pressure on SPA to merge with SUFT. The latter two associations joined forces in the Spring of 1973 to reconstitute themselves into one union which became the United University Professions (UUP).

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* In any event the question did remain as to whether the Senate would be allowed to serve as bargaining agent if it were elected.

Despite its problems, the one large unit has continued. UUP negotiated a second contract which runs until June 1976. It survived a representation challenge to PERB which sought to break off the NTPs. It gained political strength through an affiliation with NYSUT and thus both the AFT and NEA. Yet, while membership has increased, it includes only about one-third of the unit. Substantial differences remain among the campuses in the attitudes toward and support of UUP. Its major strength lies in the two-year and four-year colleges; the greatest resistance to it, in terms of lesser membership, comes from the university and health science centers. It is not yet viewed within the Central Administration and State government as fully representative of the University's professional personnel, especially its faculty.

METHODOLOGY

The primary purpose of this study has been to provide a descriptive analysis of how collective bargaining on the part of professional personnel has influenced relationships between the University and the State government. It has focussed essentially upon the interaction between the Central Administration of SUNY and the Office of Employee Relations, the Division of the Budget, the Office of the Governor, and the Legislature. It also has given attention to the UUP and its interaction with the Central Administration and agencies and branches of State government. Under these circumstances, the major effort for the study has taken place in the state capital, Albany. However, interviews were conducted at two university centers, the health science center at Syracuse, and two of the four-year colleges.

Substantively, the study has considered two questions. How has the existence of a professional union and collective bargaining in the University altered the relationships among the separate parties? What are the implications of these changes for the administration of the University as it relates to State government? These two general questions include several related considerations. How does collective bargaining affect the balance between the University's accountability to the state government and its ability to function autonomously as an academic enterprise? Has collective bargaining intruded upon the autonomy of the governing board as a "public corporation?" To what extent is the impact of collective bargaining related to other developments affecting University-State government relationships, such as the economic recession and consequent shift to a "steady state" or "no-growth era," legislative and public reaction to faculty and student radicalism in the late 1960's and early 1970's, and the press for alterations of the educational role of the University in terms of the emerging expanded view of postsecondary education?

In seeking data to bear upon these questions the investigators consulted three sources:

(1) *Related literature.* Articles and reports dealing directly with collective bargaining in the State University are few. This report relied upon the following: a 1974 article by Herman Doh; the two pertinent chapters by Fisk and Puffer and George W. Angell in the book, *Faculty Unionism and Collective Bargaining;* an analysis of the legal basis for employee relations in New York by Jerome Lefkowitz (Deputy Chairman for PERB), a dissertation dealing with grievances in SUNY by Ronald P. Satryb; and a dissertation underway by William Puffer presenting a case study of the origins and formation of SPA. These are identified in Appendix 4.

(2) *Documentary sources.* To obtain an understanding of the formal relationships, we examined the following documentary sources: the legislative statutes providing for the University, the Public Employees Relations Board, the Office of Employee Relations, and the State Education Department, reproduced in McKinney's

Consolidated Laws of New York, Books 9 (Civil Service Law), 16 (Education Law), and 12 (Executive Law); the explanation of the Taylor Law and *Rules of Procedure* published by PERB; a mimeographed reproduction of "New York State Constitutional and Statutory Provisions Relating to the Budget Process" used by the Division of the Budget; the two contracts signed by OER, first with SPA in 1971 and then with UUP in 1974; the policies of the Board of Trustees of the University for the years from 1970 through 1974; PERB decisions discussed in the next section of this report (5-3001 in 1972, C-0991 in 1974, and U-0904 in 1974); an agreement of May 4, 1972, between the Central Administration and SPA relating to promotion and tenure for non-teaching professionals in implementation of Articles 33 and 34 of the first contract; a series of memoranda between the Chancellor of the University and the Director of the Budget exchanged in 1965, 1967, and 1970; and several memoranda dealing with the internal operation of the Central Administration.

(3) *In-depth personal interviews.* Fifty-eight on-the-scene personal interviews were conducted by the principal investigators with present and former officials of the State government (Governor's office, OER, Division of the Budget, Comptroller's Office, PERB, SED, and the Legislature), with officers in the Central Administration of the University, with faculty members and union leaders and administrators on five campuses, with members of the Board of Trustees, and with officers in the central office of UUP. The individuals interviewed are identified in Appendix 3.

Because the nature of relationships in situations such as those examined are subtle and complex, a descriptive field study methodology was deemed most appropriate. This approach seemed particularly well suited to obtaining data necessary to construct a descriptive analysis of the impact centering around relationships, many of which are based upon both formal and informal considerations. This kind of field study deals with a situation in which few other data are available and the research is exploratory, is designed for situational analysis in some depth, and concerns dynamic rather than static relationships.

The interviews sought to obtain both descriptive and perceptive input which amplified and interpreted in operational terms the material available from documentary sources. To this end we developed a topical interview instrument and used it to structure interview discussions. The instrument provided a focus in the areas of our concern but allowed a freedom in the discussions that brought out additional data perceived as related by the individuals interviewed. It permitted us to probe some topics more fully when this appeared profitable.

We sought to ascertain the nature of the relationships among the pertinent agencies by inquiring into the following topics:

Grievances: policies and procedures.

Personnel policies: recruitment, appointments, evaluation, promotion, and tenure.

Financial affairs: budget, financial administration, and audit and control.

Planning: processes and procedures.

Academic policies: curriculum, degree programs, research.

We frequently adjusted the questioning to fit the specific knowledge of the person interviewed. It served little purpose, for example, to develop the same line of inquiry with a member of the Legislature as with an officer from the Division of the Budget or from the Office of Audit and Control. Thus, each interview proved a distinctive situation in which we probed impact upon relationships as evidenced by policies and activities associated with the above five functions. We used the topics in a discriminatory manner to seek most productively the knowledge possessed by each individual, consistent with the objectives of the study.

The topics served as a basis not only for direct data but for descriptions and perceptions. The processes of bargaining and contract administration had to be kept in mind as did their effect upon decision-making, the extent of involvement of each agency and individual, the degree of coordination and conflict, the locus of initiative, the attitudes of individuals regarding other agencies and unionism, the degree of flexibility allowed and autonomy possible for the University, the kinds of changes emerging, the perceptions of relative influence, and similar matters. Of prime importance was a sense of the relative importance of various agencies insofar as the University is concerned, particularly OER, the Division of the Budget, the Office of the Governor, and the Legislature.

The data obtained were subjected to a modified content analysis. Approximately 330 discrete items of information, description, and perception were developed from the interview records. These items in turn were reviewed and sorted into thirty basic categories in two dimensions: one related to how collective bargaining had altered the relationships reviewed by the study and the other relating to the implications of these alterations for the decision-making processes associated with the University. These two dimensions constitute the primary subject of the report presented in the fourth section.

The data analysis was followed by additional interviews -- largely by telephone -- to explore other questions which grew out of the analysis, to obtain additional data, and to check further the reliability and validity of the different sources.*

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* One aspect of the situation in New York State has not been reviewed directly for this study. The health science centers within the State University present a complex situation so unusual and, as a whole, different for each center that it was felt wise not to include them. This decision followed interviews at two of the centers and review of considerable correspondence and other documentary materials. As mentioned in this report, the problem of establishing policy for income related to clinical service became a question of importance during negotiations and subsequently involved study including representatives from the centers, the Central Administration, the Office of Employee Relations, and the Division of the Budget. What collective bargaining did in this situation was to bring to the level of formal review a condition which otherwise had not received deliberate attention.

ORGANIZATIONAL BACKGROUND

The 29-campus State University of New York is the only public institution of higher education established directly under the overview of State government.* The University consists of four university centers (two of which also have health science centers as part of their campuses), two medical centers, thirteen colleges of arts and sciences (eleven of which had been predominantly teacher education institutions), six agricultural and technical colleges, three specialized colleges (forestry, maritime, and optometry), and one non-residential college. For this system, as noted earlier, faculty members and non-teaching professional employees are represented by UUP. As representatives of "management" for negotiations, OER involves the SUNY Central Administration and the State Division of the Budget. The bargaining process occurs formally apart from the University's Board of Trustees whose concerns and interests are represented to OER by the Office of the Chancellor.

Economic provisions agreed to in the bargaining are subject to approval of the Legislature and are submitted to it as a part of the budget process for the State by the Governor. In practice, however, negotiations have usually not coincided with the normal budget process. Therefore, fiscal changes resulting from the union contracts have gone to the Legislature in a supplementary budget or as special legislative bills. As a result, economic provisions may have received more direct attention than they normally would as one part of the total executive budget.

The legal basis for the relationships central to this paper reside in three legislative actions plus subsequent amendments. One, the statute which served to establish the State University, explicates in considerable detail the responsibilities and authorities of its governing board. The second is the permissive legislation which guarantees the right of public employees to engage in collective bargaining. The third is a brief statute which established OER as a unit of the executive branch to conduct negotiations for the State with all of its employees. Each will be summarized briefly.

However, it is important first to mention the distinctive role of the University of the State of New York (in contrast to the State University of New York). The former has a constitutional mandate to oversee the entire system of State education, public and private, from kindergarten through the graduate level.** In this capacity it has final authority for the awarding of all degrees by public and private institutions and for chartering of colleges and universities. Organizationally, the University of the State of New York exists in the form of

* The City University of New York and the public community colleges bargain with municipal or county governments rather than with the State. The community colleges function under local governing boards subject to county and local legislatures but receive part of their support from SUNY and are subject to programmatic supervisions by the SUNY Trustees.

** It also has other powers, such as licensure for professionals and supervision of libraries and museums.

the Board of Regents elected by the Legislature without nomination by the Governor. The Regents' executive officer is the Commissioner of Education, who has under his direction a large staff constituting the State Education Department (SED).

The Regents and SED relate to SUNY in the same manner as they do with the other universities and the colleges of the State. A primary aspect of the relationship is approval and review of degree programs. Illustrating the latter function, the Department, during the past year, has reassessed teacher education practices and reviewed doctoral programs. The review has led in some instances to termination.* A major responsibility of the Regents is to develop and present to the Governor and Legislature every four years a master plan for all higher education. For the State University, the law requires that "the Regents shall, once every four years, review the proposed (SUNY master) plan and recommendations required to be submitted by the state university trustees. . ." For ongoing operations, however, the SUNY Central Administration has very limited contact with the Regents. The Regents have not involved themselves in collective bargaining in higher education other than through one general policy statement (referred to later in this report) urging a limitation upon the scope of negotiations.

The structure of the State Legislature as it relates to higher education also warrants a brief mention. The main avenue to the Legislature for the University traditionally has been via the Governor's office as a part of the budget process. During the past two years, each house of the Legislature has had a committee on higher education (either as a standing or a select committee). Previously, since 1965 at least, there had been a joint committee of both houses for this purpose. These legislative committees have concerned themselves with private higher education, the City University of New York (CUNY), SUNY, and the community colleges. They have not played a significant role in budget review. Rather they have given their attention to special considerations such as scholarships and grants, student discipline, academic programs, and the general planning of higher education in the State.

Education Law and Organization of the State University

Although founded in 1948, SUNY did not become a university in more than name for a decade or more. Moreover, its founding did not meet with universal enthusiasm. Just prior to the establishment of SUNY the president of a private university bluntly stated in the presence of the Governor and members of the Board of Regents that New York should never "endure one of those monstrosities of the midwest, the state universities." SUNY opened with a nucleus of eleven state teachers colleges, six agricultural and technical two-year institutes, a maritime academy, and a college of forestry. It then acquired two medical colleges by absorption from existing institutions. It also assumed developmental and programmatic supervision, but not direct control, over the

* This latter function may be challenged in court shortly by the SUNY Trustees as a result of a SED directive to eliminate certain doctoral programs.

expanding system of local community colleges, in whose financing it participates.

In the terms of the founding statute, the Governor appoints "by and with the advice and consent of the senate" the fifteen-member governing board. He designates the chairman and vice-chairman. This arrangement has supported a strong tie with the executive branch of State government. However, as a statutory body the Trustees have exercised substantially less autonomy than the constitutionally-established Board of Regents with members elected by the Legislature. In fact SUNY was founded in the face of apparent opposition from the Regents. As a consequence, the formative years of the University were marked by a spasmodic struggle with the Regents as the Trustees sought to achieve an autonomy which they deemed necessary for the institution's development.

By the 1960's, however, the University had become well established. It began that decade with nearly 35,000 students (not including another 13,000 in the associated community colleges). Then, with the appointment of Samuel B. Gould as President, and with the enthusiastic support of Governor Nelson A. Rockefeller, SUNY entered a period of expansion and affluence. The teachers' colleges were reshaped into colleges of arts and sciences having professional areas in addition to education; the four major university centers were developed; three medical centers were expanded and a new one established; and major support and direction were given to the two-year community colleges. A construction program which ultimately totalled two billion dollars got underway. Enrollments quadrupled by the end of the decade. In summary, the 1960's proved an era in which strong leadership was exercised from Albany by Gould and in which autonomy for individual campuses increased.

As SUNY entered the 1970's, the climate changed and difficulties seemed to arise on all sides. The former President and subsequent Chancellor, who had led the University through its period of great expansion and obtained extraordinary State financial support, departed sooner than anticipated. Increases in State funding of the 1960's encouraged outspoken opposition from friends of the private institutions. Then, in the early 1970's, the Legislature evidenced a concern with State spending as a whole. A period of general retrenchment for the State government set in. Although University funding continued to rise, State monies more and more maintained the existing situation, essentially a "steady state" condition. Student and faculty activism of the late 1960's further eroded legislative support. In common with the rest of higher education, SUNY experienced a leveling in applications for admission and faced the possibility that it had overexpanded.

SUNY, however, did enter the 1970's as a major university system enrolling 140,000 full-time students (exclusive of the community colleges), employing a faculty and professional staff of nearly 15,000, and requiring an operating budget of more than 600 million dollars for its twenty-nine campuses.

The statutory provisions for the University identify its governing board as a "corporation to be known as the State University of New York which shall be responsible for the planning, supervision, and administration of facilities and programs." However, when one examines the powers and duties allotted to the

Trustees in the statute, it becomes clear that the Board is subject to considerable control by State government through the latter's control of financial affairs. This is exercised primarily by the Director of the Budget, then reviewed when a line-item budget is submitted by the Governor to the Legislature as part of the overall budget for the State.* Furthermore, the Education Law, of which the University statute is one part, includes a detailed prescription regarding the classification of professional employees. In practice, personal communications between the Central Administration and the budget division tend to create a bypass around the Trustees. Also, budget examiners of the State visit local campuses.

The law provides for final control by the Trustees over other administrative and educational affairs such as the following:

Planning for facilities, curricula, admissions, and enrollments.

Overview of the academic programs of the community colleges (which are subject to local legislatures) and approval of their establishment.

Holding and administering of properties and equipment and facilities.

Appointing campus presidents and academic and other professional staff members.

Overseeing research activities (handled through the Research Foundation of State University).

Therefore, the Trustees do oversee the general organizational and academic affairs of the University; but even here they are subject to State authorities for the construction of dormitories and the development of new physical plants.

In its ongoing relationships with State government, the Central Administration of the University interacts regularly with both executive and the legislative branches. During the period reviewed for this study, a particularly strong interface existed with the Governor's office. In this situation, the Director of State Operations, in the words of one University Administrator, served as "a key officer in the flow of information between the University and the executive branch." The Secretary of the Governor also had a "key role" in all matters related to State policy. He participated in reports of activities, responses to inquiries, and recommendations which flowed between the office of the Chancellor and the office of the Governor. During the last two decades, as the University was expanding and strengthening its position in the state, the Chancellors have maintained a close, personal association with the Governor. The Central Administration maintains, through a major officer, ongoing associations with leaders and key committees in the Legislature.

The major executive agency with an intimate involvement in the affairs of the University, in addition to the Division of the Budget, is the Department of Audit and Control, headed by the State Comptroller. Audit and Control holds responsibility for pre-audit and payment of payrolls and vouchers and for the

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* This condition has been modified somewhat by a number of memoranda of agreement between the Chancellor and Director of the Budget which have permitted some flexibility and operating control on the part of campus and central administrators.

post-audit of accounts and other controllership functions. Its representatives regularly visit the local campuses of the University, and it issues public reports of their findings.

Other officers and agencies of State government with which the University relates include the counsel to the Governor for legal matters, the Governor's appointments secretary, and the Governor himself in his formal review of the master plan for education submitted each four years by the Board of Regents. Also, and in some instances as previously noted, the University has business with the Department of Law, Department of Civil Service, Office of Employee Relations, and the Office of General Services, which handles all purchasing for the State.

The details of these relationships are peripheral to this analysis. For reference they are spelled out in some detail in Appendix 1, which outlines the process through which the budget is prepared and submitted to the Legislature, and Appendix 2, which details SUNY's relationships with agencies of State government.

Taylor Law and the Public Employment Relations Board

The 1967 Public Employment Relations Act, known as the Taylor Law in recognition of the chairman of the committee which formulated the philosophy basic to the Act, receives credit generally as the initiator of collective bargaining for professionals in the University. It is a standard labor relations statute under which all public employees--state, county, city, town, village, public authorities, certain special service districts, and school districts--received the right to organize for the purpose of collective bargaining. The statute requires public employers to negotiate with the representatives of their employees and to enter into written agreements with them, sets up impasse procedures for the resolution of contract disputes, prohibits improper labor practices by both employers and employee organizations, and continues the prohibition against strikes by public employees.*

The Act is administered by PERB, which consists of three members appointed by the Governor with the advice and consent of the Senate "from persons representative of the public." Its chairman serves full-time and oversees its staff and administration. The Board exercises three primary functions: that of unit determination and certification of the elected employees' representative, that of the resolution of contract negotiation disputes, and that of establishing procedures for and serving as a court of appeal on matters related to improper

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* The statute is most explicit about legal action that shall be taken in the event of a strike and about the penalties to be imposed. Nevertheless, strikes by school teachers have taken place within the State. Superintendents and school boards have not instituted the appropriate legal actions or, if they have, generally have not followed through to the point of severe penalties other than the loss of pay for days during which teachers have not worked. However, events in the late 1975s have evidenced some hardening of school board postures in this connection.

practices. Improper practice charges are processed through informal conferences, formal hearings, a ruling by the hearing officer, and a final determination and order by PERB if the ruling is appealed.

PERB establishes and oversees the procedures provided by law for the resolution of an impasse in contract negotiations. These include provisions for *mediation assistance* upon request, for which it maintains both a staff and a panel, and for fact finding, which includes formal hearings and recommendations, although the latter are not binding on the parties. There is no provision in the law for binding arbitration (other than for police and firemen).*

PERB determines the culpability of employees' organizations for striking and orders appropriate forfeiture of dues check-off privileges, other penalties being administered by the courts and the employer. It also has a responsibility for making statistical data available on wages, benefits, and employment practices and for recommending statutory changes to the Legislature.

During the first five years of unionism within the University, subsequent to the initial unit determination decisions, PERB has been called upon infrequently to rule upon questions related to SUNY. The inital unit determination ruling had a major impact in forcing one large bargaining association to represent the total professional personnel for the entire University. Following this decision, only four cases related to the University were processed. One of these was routine in that it dealt with the designation of administrative officers as "management confidential" and thus not eligible for membership in the union. This question was addressed by PERB in a 1973 interim decision, although not finally settled until June 1975. Another decision in 1972 supported the ruling of a hearing officer who rejected an improper practice charge by SPA. The complaint alleged "false and misleading statements" on the part of the Central Administration in connection with a memorandum of understanding on a new career promotional plan for NTPs. This leaves two decisions of sufficient significance to warrant brief attention for this report, the second of which dealt with the City University of New York (CUNY) but held implications of importance for the entire state.

The first ruling, in January 1974, constituted a reaffirmation of the original unit determination decision. The Civil Service Employees Association, with SPA and the AAUP's council for SUNY as intervenors, filed a petition for the decertification of SPA "as the representative of certain non-academic professional employees." In effect, it sought to limit the union to academic personnel by removing NTPs from the all-inclusive bargaining unit and creating a new one for them. In a lengthy decision, the hearing officer denied the petition on the basis that "NTPs did enjoy effective and meaningful negotiations on salary as well as other matters."

The second decision, in April 1974, bore only indirectly upon SUNY, but

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* Initially, as did occur at one point in the contract negotiations for the University, the law provided for a legislative hearing (the school board for school districts and the Legislature for the University), but in 1975 this provision was deleted. What remains now is recourse to more discussion, "appropriate" assistance to the parties by the PERB, and a PERB assumption of the cost of arbitration if such is agreed to by the parties.

contained a significant implication regarding faculty governance. This case resulted from a petition of the Board of Higher Education of the City of New York. The question raised was the following: "Is the composition of the Personnel and Budget Committees (which consider the reappointment, tenure, and promotion of faculty) a mandatory subject of negotiations?" The CUNY union, the Professional Staff Congress, sought to bar students from membership on these committees. PERB, in a split decision, determined that student participation on the committees was not a term and condition of employment of the faculty. Recognizing the tradition of peer evaluation, the ruling notes that "there is a difference between the role of college teachers as employees and their policy-making function which goes under the name of collegiality." The essence of the decision was stated as follows: "We. . .distinguish between the role of faculty as employees and its role as a participant in governance of its colleges. In the former role, it has the right to be represented by the employee organization of its choice in the determination of terms and conditions of employment. . . .in the latter role, the faculty exercises prerogatives related to the structure of governance of the employer. . . .These prerogatives may continue to be exercised through the traditional channels of academic committees and faculty senates and may be altered in the same manner as available prior to the enactment of the Taylor Law." It appears that in New York PERB may move in the direction of recognizing a distinction between collective bargaining and faculty governance and, in making this distinction, place limitations upon the scope of bargaining.*

Office of Employee Relations

Following enactment of the Taylor Law, the Governor designated a negotiation committee for bargaining with state employees consisting of his Secretary, the chairman of the Civil Service Commission, and the Director of the Budget. A unit of the Division of the Budget served the committee as a research and resource agency. However, by the time the University professional personnel entered into negotiations this structure had been succeeded by the statutory "Office of Employee Relations" responsible for developing State employment policies and for devising strategies and tactics expedient for their implementation. The statute, Article 24 of the Executive Law, went into effect June 1, 1969.

The OER statute is brief. It creates the office as an "agent" for the Governor responsible to him for the conduct of negotiations, to "assure the proper implementation and administration of agreements reached," to assist the Governor, and to "direct and coordinate" the State's activities under the Taylor Law. Its director assists the Governor "with regard to relations between the state and its employees." Significantly, it provides that agreements negotiated shall be

* This point of view has additional support from the Board of Regents. In 1974 the Regents reaffirmed a 1972 policy recommendation that academic tenure, curriculum development and revision, faculty evaluation and promotion, student/faculty ratios and class size, and organizational structure should not be included in collective bargaining negotiations.

implemented and administered "notwithstanding any inconsistent provision of law" upon "written request" from the director of the office.* The first contract with the SPA established OER as respondent to grievances at the third step following review at the campus level and by the Office of the Chancellor. By the terms of the contract, for grievances which go to arbitration it also obtains arbitrators mutually satisfactory to the union and itself. At the same time it carries the burden for the state when a grievance goes before an arbitrator.

During the period covered by this study, the OER has had two directors. Each proved influential in the development of the posture which the Office holds toward the University. The first Director, Abe Lavine, had served previously as deputy executive director of the Division of Employment in the Department of Labor and before that in the Division of the Budget. He was appointed in January 1969, anticipating the passage that year of the statute which gave OER legal sanction. Under the Lavine administration, a unit was set up to handle negotiations and later contract administration for SUNY, thus achieving a specialization within OER staff and in turn enabling personnel of this unit to gain experientially an understanding of the distinctive nature of the University. (As it happened, the individual who first served as an assistant in this unit has remained with the office and now holds primary responsibility under the director for relationships with SUNY.) In the course of the first five years, this continuity in staff reinforced consistency in OER policy and in University Central Administration response to this policy. Staff continuity has had the secondary, yet potentially significant, effect of encouraging a personal relationship among the individuals in both agencies. This relationship was strengthened in 1971 when an assistant director for OER who served as its first chief negotiator (with SPA) was appointed Assistant Vice Chancellor for Personnel and Employee Relations to handle contract administration and assist in the negotiations for the University.

The appointment of the second director, Melvin H. Osterman, Jr., in May 1972 marked a shift in the posture of OER toward the University.** Its staff began to feel that, while a distinctiveness in function contrasting to other State agencies did exist, the traditional adversarial collective bargaining relationship was working for the University in a manner quite similar to that of the other

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* Osterman had served formerly as an assistant counsel in the Office of the Governor. He then went into private practice but continued to maintain a relationship with the State as consultant to the Governor on collective bargaining and then, until the time of his appointment, as consultant to the OER.

** This section of the law reads as follows: "notwithstanding any inconsistent provision of law, any officer, department, board, commission or agency, shall upon written request from the director, take such administrative or other action as is necessary to implement and administer the provisions of any binding agreement between the state and one or more employee organizations representing state employees pursuant to the public employees' fair employment act, as amended. Such action may include, without limitation, the adoption, repeal or amendment of rules, regulations or other procedures." The opinion of the Attorney General is conclusive in resolving disagreements. In practice, a conflict with existing legislation would be subject to legislative approval.

agencies. In some part this derived from the personality and experience of the new director, but it seems more to have derived from the experience with the University during the previous two years. The shift in approach held especially for the handling of grievances, which OER staff increasingly tended to interpret in the same manner as other agencies. Also, in the question of job security (especially for the non-teaching professional staff) during the negotiations for the second contract, OER staff supported more formal mechanisms in line with policies established for the rest of the State. In a sense this carried over a civil service approach to personnel policies.

A close working relationship between the staffs of the OER and the Central Administration has occurred and has had several consequences. Critical questions for contract administration, especially grievances, are discussed informally. The two offices collaborate in resolving questions arising from the interpretation of contract provisions and cooperated in preparing for the second round of contract negotiations. They also review policies likely to affect the agreement, such as those concerned with retrenchment, contract administration procedures related to leaves and travel allowances, and job security review. A parallel relationship did not develop with the union leadership, although the first Executive Secretary of SPA and the OER staff were in fairly regular communication during the initial implementation of the first contract. A similar gap has held between the union leaders and Central Administration, although there was evidence that in the last year improved communication has accompanied conferences with the Chancellor. Changes in union leadership following elections and the tendency of its elected officials to view the "administration" of the University with some distrust have proven to be factors here.

In summary, the organizational structures accompanying collective bargaining have formed new relationships between the University and State government. Unionization of professional staff is a direct consequence of permissive legislation (the Taylor Law) which established the semi-judicial PERB. A PERB unit determination led to the formation of one bargaining unit, representing major university research and professional centers together with four-year general purpose teaching colleges and two-year technical and agricultural institutes. The establishment of OER as an agency of the Governor to handle negotiations and contract administration assured a direct and potentially powerful role for the State. The Central Administration has faced the task of searching out overarching policies and procedures which account for the total institution, but with a diminution in its ability to support the uniqueness of its various components. In a parallel situation, the union leadership has faced similar difficulty in order to present at the bargaining table a posture suitable for its diverse constituency and to maintain an effective organization for members holding different values and interests.

ANALYSIS OF FINDINGS

In the perspective of nearly five years of professional unionism and two negotiated contracts, questions arise as to whether the extent and nature of the impact of this new condition have been significant; and, if so, how. The response to these questions is presented in this section in two parts. The first will discuss how this activity has affected, or not, the relationships among the dozen offices and agencies involved in the University-union-State government interaction related to collective bargaining. The second will present significant generalizations which have emerged from the study of these relationships.

Impact Upon Individual Offices and Agencies

Governor. In the course of the investigations, respondents repeatedly referred to SUNY as "the Governor's university." Such a characterization seems in part to reflect the nature of the executive branch of New York State government. The Governor traditionally has exercised strong leadership; he has held a firm hand on the various executive departments and offices, including the University. The characterization also reflects the history of the University, formed under the driving force of Governor Thomas E. Dewey and supported vigorously during the extended term of Governor Rockefeller. Certainly, the chief executive of the State has the ability to determine and support budget allotments, a means of control further supported by his role in the selection of Trustees and his selection of their chairman and vice-chairman.

The interviews indicated that the relationship of the University with the Governor has not been altered significantly by collective bargaining in the sense of his power and influence. If anything, the establishment of OER confirmed the significant role of the Governor during the negotiations process with UUP and its predecessor, SPA. He assumes responsibility for the economic provisions of the contract and presents them to the legislature as a part of the budget process. Legislative leaders who were interviewed recognized the influence of the Governor in setting policy for SUNY and expressed their confidence in this arrangement. In critical decisions during negotiations, the Chancellor unquestionably was consulted and exercised considerable influence. In the last analysis, however, OER and the Director of the Budget turned to the Governor for a final decision on crucial economic matters. This apparently occurred at times in meetings at which the Chancellor was not represented.

However, two aspects of gubernatorial control require recognition. First, in negotiations and in general, as one commentator stated, "in the end it's a dollar matter and that is the Governor's responsibility." Thus, the major interest and influence of the executive branch have tended to relate to economic concerns as ultimately reflected in the budget. Although the Central Administration of the University and the Trustees have maintained considerable autonomy in administrative and academic affairs, the line is not a clear one, since (as will be discussed later in this report) OER, as an agent of the Governor,

does participate actively in the handling of grievances. Second, as one observer noted, the role of the Governor tends to reflect his personal style and interests. In recent years, evidence has emerged of a lessened concern for the interests of the University in contrast with the increasing importance of other State interests competing for funds. This suggests the possibility that in the future the officers of OER and Division of the Budget may increase their influence with less recourse to the Governor. This, in turn, may diminish the influence of the Chancellor, except as he insists upon gubernatorial attention to specific issues.

Office of Employee Relations. The most direct and visible concomitant of collective bargaining appeared in the establishment of OER. Previously, the University's primary formal contact with State government had been with the Division of the Budget, in accord with the Education Law. As final review body of the budget for the Governor, the budget division traditionally exercised final determination upon the amount and distribution of State financial support. In turn this power influenced policies and actions related to the University in general, especially as they related to financial support.

With the establishment of OER, budget division control diminished substantially for a major portion of the budget: that dealing with personnel costs. What had previously been a matter of discussion and negotiations between the Central Administration and State budget officials in terms of salaries and fringe benefits moved to the bargaining table. These decisions now lie in the bargaining process with OER acting for the Governor, although consulting with the budget division and University administration.

An important aspect of OER role relates to its conception of the University. An initial task for Central Administration with advent of collective bargaining, therefore, became that of making OER staff more sensitive to the difference between the functions of an academic institution and those of other state agencies. While Central Administration apparently has succeeded in increasing this sensitivity, it must be recognized that OER handles bargaining relationships for all state government. It inevitably must view the University in this general context. A related factor which has contributed to increasing OER understanding of the University has been the fact that within OER one individual has held primarily responsibility for contacts with the Central Administration and the University's professional union. Although initially conditioned in relationships by Civil Service precedents, in general the interviews confirmed evidence of an increasing awareness by OER of the institutional limitations imposed on the Chancellor by the academic environment and the unique role of faculty members.

Nevertheless, OER staff was viewed as having a tendency to expect a bureaucratic quality in the administration of the University. This has had positive effects in instigating a review and clarification of personnel policies, a consequence especially beneficial for the non-teaching professional staff. Also, OER expectation has proven more realistic than some advocates of collegiality have conceded, for the fact is that many campuses -- especially in the two-year and four-year colleges -- lack strong traditions of "shared authority."

An important consideration identified in the interviews is that OER, as an agent for the Governor, reflects an interest in the need to maintain peace and

harmony in what at times could be politically explosive situations. This suggests that it has a concern for gaining settlements. OER may indeed be influenced on issues by the posture of the University Central Administration and other governmental agencies such as the Division of Budget, but in the final analysis it represents the Governor in reaching an agreement that he can recommend to the Legislature. OER, therefore, dilutes the influence of the budget division, and even the Legislature, because the agreement negotiated with the union presents almost an accomplished deed.

In general, OER effects the affairs of the University in two ways: one in the preparation for and conduct of negotiations with the union; the other in the administration of the contract, especially the grievance machinery which it stipulates.

As a result of OER role in negotiations, decisions on salaries and other economic benefits have shifted from the budget division. This has worked out reasonably well because of coordination exercised by the Governor's office. At an early stage, for example, the Director of State Operations for the Governor coordinated the State's position in negotiations. He consulted and met with, separately and jointly, heads of the budget division and OER and the Chancellor in the determination of policy for bargaining. As might be anticipated in this regard, some disagreement between the Division of the Budget and OER has surfaced. In the main frictions between the two agencies have reflected primarily the usual disagreements which result from conflicting responsibilities and personal status concerns.

For the administration of the contract, OER maintains the position, in the words of one of its administrators, that it "tries to insure that the intent of the contract is lived up to." To do this, it views the University in much the same way as other state agencies. In one instance it insisted that "a uniform distribution of discretionary amounts (for salary increases beyond across-the-board raises) on one campus be consistent with guidelines which had been agreed upon between the union, OER, and Division of the Budget." In another, OER prompted the Central Administration to prepare procedures to be followed in the event of a strike by the Civil Service Employees Asociation.

However, the primary influence of OER in contract administration lies with the handling of grievances at the third step, as provided for in the contract. Its staff review of appeals from the decision of the Chancellor at the second step has led to a regular, informal interaction with counterpart staff in the Office of the Vice Chancellor for Faculty and Staff Relations, which handles the review process for the Chancellor. On the record, OER has usually upheld the position of Central Administration, but observations noted previously suggest that University staff members are influenced by their "reading" of the OER point of view.

The expectation of OER for more formal, established personnel policies has had an influence upon the University, constructive in terms of employee rights but at odds with the more informal criteria and procedures common to academic institutions. On the whole, grievance cases have dealt with procedural concerns and contract interpretation. Such matters as charges of the failure of campus presidents to meet with union officers, of the failure of campus

administration to establish proper procedures, and of the imposition of unfair work-loads have entered the process and suggest that it may become difficult to separate OER influence from the internal affairs of the University. Yet, in the view of one observer, OER staff has sought to avoid reviewing "matters of a traditional academic nature, such as governance, tenure, academic freedom, etc."*

In summary, the evidence supports the view that establishment of OER and its control over collective bargaining affairs for the University is a new dimension of University-State government relationships which extends into the internal decision-making activities of the University. This obtains from the nature of the bargained contracts as legally binding documents which directly affect personnel policies, economic benefits, and other terms and conditions of employment. Since observers feel it unlikely that future contracts will narrow or simply maintain the existing content, many anticipate that negotiations will broaden the scope of matters bargained by OER for the University. In fact, an unfair labor practice case protesting changes in faculty load at one campus has occurred this past year, raising the possibility that this issue could move to the bargaining table in future negotiations.

The Chancellor and Central Administration of the University. Considering the active role of OER, it proved an interesting facet of the study that the Chancellor and his central staff were viewed within other agencies of State government in very much the same way as before collective bargaining.

The legislators interviewed, for example, perceived the Chancellor as the spokesman for the University, including its professional employees. This perception seems to reflect the fact that he has continued to direct the handling of University-legislative contacts and to maintain personal acquaintanceship with legislative leaders. For instance, as nearly as we could determine in the face of some conflicting testimony, the Chancellor, rather than the union or OER, took the initiative necessary after a long delay to obtain action on the report of the legislative committee which reviewed the union-OER impasse on salaries in the reopener during the first contract. The committee report had lain dormant for nearly six months after a parallel action for State police had been acted upon promptly. The Chancellor also was viewed as having retained the initiative for gaining support from the Governor and Legislature for the SUNY budget. Respondents indicated that reliance upon the Chancellor is further influenced by the fact that UUP has not achieved during the first five years of collective bargaining the organization and the credence sufficient to implant firmly its role as spokesman for the academic staff of the University.

The shift to OER of responsibility for bargaining salaries and fringe benefits has had one significant outcome. As one respondent commented, "with economic benefits a matter for negotiations, Central Administration no longer

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* Ronald P. Satryb, "Faculty Grievances at SUNY," *Special Report No. 10*, Academic Collective Bargaining Information Service, November 25, 1974. This is an abstract of Satryb's dissertation dealing with the grievance procedures at SUNY from the first contract to the second. See also his article in the *College and University Personnel Journal* for January 1975.

needs to be concerned about these matters." A major SUNY administrator suggested that this change, coming at a time of budgetary restriction, relieves the Central Administration of a difficult responsibility. He noted that it places the initiative upon the professional staff's own organization with consequent accountability for effectively pressing constituency interests "at the table." Moreover, it has the added effect of facilitating the development of cooperative relations with UUP on other matters. However, it has to be recognized that economic benefits do become a "given" along with other fixed costs when the administrators of the University construct the budget. Thus, the University administration must accept what is essentially a judgment by a State agency on these allocations. With a leveling of appropriations, the administration has less control over the balance between personnel allotments and those for facilities, equipment, supplies, etc., also important for the quality of education and research. Discretionary or merit funds have been of a relatively minor and decreasing amount (one percent of salary increases in the last negotiations). The SUNY administration, as a consequence, faces limitations on its ability to recruit and retain outstanding scholars and superior professional personnel. This is especially the case for the university and health science centers. This is an area of fundamental importance in which administrative initiative has been narrowed considerably. One commentator feared that the intrusion of State government in this regard could weaken the ability of the Chancellor and his staff "to manage" at a time when pressures mount for more efficient management.

Nevertheless, as a final point in this discussion, it must be reiterated that respondents in general supported the view that the Central Administration has more influence on matters related to collective bargaining than is the case in other State agencies.

Board of Trustees. Data regarding how active a role the Trustees maintain in the ongoing operations of the University and its relationships with State government proved mixed. The Trustees act as what can be described most accurately as an overseeing body. The Chancellor rather than the Trustees is viewed by legislators and State officials as the spokesman for the University. One legislator with a major role in matters pertaining to SUNY stated that the Legislature "was not conscious of the Board of Trustees, that SUNY was seen as an agency of State government administered by the Chancellor who related to the Legislature via the Governor and the Division of the Budget." Other legislators confirmed this view. A similar opinion was expressed by a former member of the Governor's staff. One Trustee indicated that the Board attempted to maintain a "low profile" in these relationships by being supportive of the Chancellor through informal contacts within State government.

Interviews confirmed that the Trustees have not played an active role in the collective bargaining process but have relied upon the Chancellor to represent their interests. As one Trustee noted, the agenda of Board meetings generally does not include matters considered at the bargaining table, except as they impinge upon the budget submitted for approval prior to its submission. Currently, Board committees deal with the community colleges, the medical schools, fund raising and alumni relations, and endowments. The UUP does not have a representative at Board meetings, as do students and the Faculty Senate;

so Trustees have no direct contacts with union leadership.

Yet, there can be no question that collective bargaining by professional personnel impinges upon the role of the Trustees. The *Policies of the Board of Trustees* serves as the internal law of the University and specifies detailed procedures governing appointment, evaluation, promotion, leaves, and termination of service for the professional staff. The negotiated contracts include sections which overlap the provisions of this document. For example, a comparison of the Trustee *Policies* and the contracts shows overlap on such items as termination of service, vacations, sick and disability leave, sabbatical leave, and retrenchment. A section of the *Policies* under "Termination of Service" recognizes the primacy of the contract in the event of conflict with the Trustee rules. Two articles in the first contract dealing with evaluation and promotions for non-teaching professional staff were implemented by a revision of the *Policies*. The bargaining process forced action on a question previously not given consideration by the Central Administration and the Trustees, just as it has removed from their approval salaries and fringe benefits.

The degree to which collective bargaining is leading the University in a direction which will reduce the authority of the Trustees remains conjectural at this time. One active union leader commented bluntly that the Board was a "withering body which never was strong." He did not see how it could survive. In contrast, one campus president expressed the view that negotiations had not reduced the role of the Trustees and, in fact, may increase their concern and interest in a way that will bring about a more significant leadership posture, especially for long-range planning. A major administrator in central headquarters commented that, "thus far, no action has emerged from collective bargaining which strikes at the guts of the prerogatives of the Trustees." However, if the scope of the issues negotiated "at the table" broadens, the Board may have less opportunity for initiative in the management of the University just as the Central Administration may respond more to bargained policies formulated by an agency of State government and the union. In this sense, the University appears likely to become more an "agency" of the government and less a "public corporation."*

One alternative to the trend, broached by one respondent, would be to have the Trustees, rather than OER, bargain for the University. If followed, this course would emulate negotiations for the City University of New York and in some other states, such as Wisconsin, Minnesota, and Massachusetts. The interviews uncovered neither sentiment favoring this arrangement nor any serious contemplation of it as an alternative. State officers, legislators, and University administrators all responded favorably to the status quo. Individuals in the Division of the Budget felt the OER role essential, since economic provisions of contracts must be supported by State executive and legislative branches. One official of government feared that the University was too big and

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* One could speculate on the possibility of a conflict between the Education Law as it prescribes the nature of the University and the Taylor Law as it prescribes the process of collective bargaining. However, such a conflict does not appear likely to arise in the near future.

complex and "too poorly managed," and that it would encounter difficulty obtaining Legislative approval of budget provisions in a contract negotiated by Trustees. There was a legislative confidence in OER as an agent of the Governor for the agreements reached with the union.

Division of the Budget. As noted earlier, the role of the Division changed with the establishment of OER. In contrast to a prior position as one of three in charge of labor relations for the State, its Director now serves tangentially with input into decisions but dependent upon an office headed by an administrative equal. This relationship has accentuated the voice of the Governor in critical bargaining decisions.

Two aspects of the relationships tend, however, to mitigate this separation. The division has representatives at the bargaining table, paralleling the Central Administration, as advisers to OER. These representatives are individuals who normally work with the University. OER relies upon the Division for assistance in obtaining data needed in negotiations.

For the administration of the economic sections of the contracts, division staff members assure that the University's implementation remains in line with what they view as the agreement reached. For example, as referred to previously, they raised questions concerning the implementation of discretionary raises on one campus, advising OER of what they viewed as inconsistencies in contract implementation. They left to the latter office the follow-up with the University. This falls in line with the authority of the division over financial affairs, but adds the dimension of OER supervision for contract implementation.

Audit and Control. The New York State Comptroller is an elected official who serves as the watchdog on state expenditures. His staff processes payrolls, maintains State retirement system, pays bills authorized in the budget, and post-audits financial affairs. As one staff member stated it, this assures the appropriate use of funds under policies determined by others. In this role, these staff members view the University as one other State agency.

The audit function does give rise to certain "office policies" which affect the determination of what should be done as well as how it is done. No problem has arisen insofar as collective bargaining is concerned, except in one instance involving retroactive salary payments stemming from a grievance decision. In this instance, Central Administration proved unable to obtain release of funds, and OER had to legitimize the expenditure by reference to statutory authority. The significance of this incident is uncertain, but it does demonstrate the power of a contract to alter established procedures within State bureaucracy.

Legislature. As the 1970s ushered in a period of austerity in state finances, legislative concerns shifted; and the use of state finances by all state agencies, including the University, received more concentrated attention. For the University, this has been amplified by the fact that many legislators do not understand the academic enterprise and question salaries paid for what to them appear very limited teaching loads. Furthermore, many hold a primary commitment to private colleges and universities. Despite this situation, because of confidence in an agreement negotiated by a State agency, respondents indicated that a pressure--or perhaps a tendency--exists in the Legislature to approve salaries and other economic benefits negotiated.

In general, the interviews disclosed no major shift in the University's relations with the Legislature as a result of professional unionism. One legislator did comment that his colleagues "were appalled by unionism on the part of the faculty after all the Legislature had done for them." Another noted that unionization in the University was certainly "not well received." However, respondents indicated that it is difficult to generalize about legislative attitudes and that unionism was not a particularly radical matter in the legislative view. Individuals interviewed said quite positively that the harder line toward the University in recent years primarily reflected the fiscal "crunch."

Collective bargaining has brought into legislative relations a new channel for expression of faculty sentiments and for pressures to support benefits for faculty and professional staff. The UUP is a potential political lobby, even though its strength remains minimal at present in comparison with NYSUT. One senses that when Albert Shanker, NYSUT executive vice president, speaks, the Legislature listens. As one legislative aide stated it, "he [Shanker] is too powerful to ignore." But UUP affiliation with this larger association cannot be ignored either.

Interviews for the study conveyed the impression that legislators as well as members of the executive staff of the State at times considered Central Administration and the UUP to have an interest in common vis-a-vis the state government. It was suggested that both had a commitment to improving the economic status of SUNY personnel, the UUP for reasons of representation and Central Administration in a desire to maintain staff quality.

Overall, it is unclear whether collective bargaining has significantly increased legislative intrusions into the University's affairs. Negotiations resulting, as they customarily have, in a contract out of phase with the regular budget timetable and thus subject to special legislative review, focuses legislative attention on salary increases. This tends to divert attention from questions of efficiency and productivity in the SUNY operation. Special budget review also generates a feeling of "having taken care of the University," as one respondent commented, and diminishes legislative interest in facilities, equipment, new programs and other important financial needs presented in the regular budget. In any event, it is difficult to separate such factors as these from the general press for greater austerity in the state's administration.

United University Professions. The existence of the union obviously injects a new element into preexisting relationships. Its leaders sitting across the bargaining table from officers of OER constitute a new and potentially forceful line of communication not possible through the traditional Faculty Senate, serving in an advisory capacity at the pleasure of the Trustees. While it suffers from a failure to create the image of an effective association representative of its total constituency, the evidence did suggest that the UUP has begun to gain stature. Appropriate legislative committees have begun to seek its opinions on questions and issues. Its affiliation with NYSUT poses political and organizational strength. The union has managed to achieve a reasonable amalgam of a diverse constituency. Above all, it does bargain with OER and does reach agreements which respond to the interests of is constituency within the University. Its leaders meet with the Chancellor and confer with him on special

problems.

Perhaps the preceding comments present more the potential than the reality of a significant influence upon State government beyond that exercised at the bargaining table. But a central factor associated with its role cannot be overlooked. Its existence as an organization confirms the position of its constituency as employees of the State rather than the Trustees. The fact that it received a majority vote as bargaining agent evidences an acceptance of this status by the professional staff of the University, confirming in perception what exists in law.

Faculty Senate of the University. The University-wide Faculty Senate has continued to function as it did prior to collective bargaining. Representing the various units of the system, it meets regularly and considers a variety of matters pertinent to University policy.

Collective bargaining, however, does intrude upon the Senate. The Chancellor is restrained in his discussions with the Senate by the existence of the negotiated contract. He cannot explore with this body questions appropriate to bargaining. When the Senate recently made recommendations to the Chancellor regarding retrenchment policy, for example, he had to respond in terms of the union contract. Furthermore the Senate has voted to terminate its economic benefits committee.

The future of the Faculty Senate remains at this point uncertain. Its role will narrow as the topics negotiated for the union contract expand. In the long run, its continued viability depends in large part upon PERB policy and perhaps OER-UUP congruence. As noted earlier, PERB decision on CUNY committees has distinguished between "the role of the faculty as employees and its role as participant in the governance of the colleges." This decision appears to support the traditional role of senates. But the dictum of the finding when logically applied could be that governance bodies and committees exist as a kind of "management prerogative." The dissenting opinion in the case broached such a possibility; and supported the view that membership on committees constituted a term and condition of employment, because the committees exist not as an extension of management but as a condition traditional in universities. Collegiality is a consensual relationship. In terms of the majority finding, one can anticipate a continuation of faculty governance bodies as an adjunct of the apparatus of administration. Were the dissenting opinion to ultimately take precedence (a change not unknown in the case-by-case approach to collective bargaining of state boards and the NLRB), they are subject to bargaining and thus may be supported by unions. The third alternative, of course, is that unions will replace senates.

Public Employees Relations Board. The position of PERB reflects a dual role as an agency of the State, appointed by the Governor and controlled by legislative statute, and as a judicial or review body which hears cases and makes decisions, presumably independently. Central Administration appears to view the role of PERB positively; no evidence of problems emerged from the interviews. In contrast, some UUP leaders tend to identify PERB with the policy-making apparatus of the State, although no consistent view emerged and a nominal acceptance of its role was clearly evidenced.

Although the history of PERB's influence upon the University entered this analysis in an earlier section, it will benefit from reiteration at this point. The initial unit-determination decision, subsequently reaffirmed in response to the petition brought by the Civil Service Employees Association, probably more than any other factor has created the weakness of the union. Further, the control of the union by constituencies on the two-year and four-year campuses has pushed to Central Administration the necessity for supporting functions distinctive to the university and health science centers. Fundamentally, PERB's posture in this regard has intruded a homogenizing influence potentially incompatible to the maintenance of research and scholarly distinction associated with the university centers.*

PERB continues to function through individual cases brought to it for review and decision. No evidence currently exists to suggest that the Board will abandon this method and independently initiate and develop basic policy on such questions as governance, the role of the Faculty Senate, the concerns of distinctive constituencies within the University, or a more express definition of terms and conditions of employment.

State Education Department. Little change has taken place in the relationships of the University with SED as the executive agency of the Regents. As noted previously, SED has taken a position on what it conceives to be appropriate matters for negotiations. It would exclude governance and educational or academic policies. SED does control the long-range planning of higher education for the State; but this is unlikely to become a subject of bargaining, except as it may impinge upon such specific concerns of the union as retrenchment. UUP leaders have attended master planning hearings of the Regents but have taken no public stance.

Some interaction can be anticipated, however. The emphasis of the Regents upon the quality of higher education in the State may prove a policy which conflicts with the interests of the UUP. The likelihood of such a conflict would seem to increase when the financial support required to improve quality in programs and facilities as defined by SED appears competitive with union desires for salary and fringe benefit improvements. The Regents in April 1975, for example, rejected a request from the Brooklyn Polytechnic Institute of New York for a revision of its financial plan because of rising costs resulting from salary increases. During the past year, SED review of graduate programs, leading to the exclusion of the doctorate from certain departments within SUNY, raises the potential for a conflict between UUP and Regents' interests. This review has not gone unnoticed within the union. Similarly, an SED effort to impose a program of competency-based teacher education has raised a number of issues related to conditions of employment having to do with compensation, student load, authority for determining curricula, and graduate standards.

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* At the same time, it must be recognized that the formation of separate bargaining units within the University would have other consequences viewed as undesirable. This discussion can only note the consequences of the action taken. The issue is very complex.

In the long run, much depends upon the power of the Board of Regents (which has lost considerable influence as a consequence of recent controversies over school busing) and the vigor with which it seeks to maintain its view of educational quality. When the Board of Regents' charge for what it views as quality--whether it be doctoral study, teacher education, or other concerns--threatens the interest of faculty members, and perhaps their employment security, the union inevitably must actively support the interests of its constituency. One can anticipate, then, that Regents' policy which forces changes in programs, and even the discontinuance of some, will lead to a consideration at the bargaining table of its consequences for faculty.

Significant Generalizations

Despite frequent comments during the interviews to the effect that collective bargaining has not had a serious impact upon relationships between the University and State government, such impact appears to us to have been both direct and substantial.

More than three-quarters of the total University budget consists of personnel expenses, a very substantial portion of which is negotiated by UUP. As a consequence, the Chancellor and the Trustees are responsible for administration of a University without direct control in decisions related to a significant aspect of administration. Salaries and fringe benefits constitute a critical factor in the ability of the University to attract and hold outstanding academic and other professional staff members. In times of restraints upon State funding, increases in these costs have to be met by reducing outlays for libraries, laboratories, and other services and equipment important to the quality of instruction and research.

In a similar manner, personnel policies related to employment, evaluation, and promotion of faculty members and NTPs have become, in part, a matter for negotiated contracts. They likely will become increasingly so. While to date the contract has dealt with procedural aspects of personnel policies to assure equitable treatment, the distinction between procedure and substance may prove difficult to maintain. For example, Article XII of *Policies of the Board of Trustees* specifies "procedure for promotion and evaluation," yet includes "qualities" which should be given consideration, such as "mastery of subject matter, effectiveness of teaching, scholarly ability, effectiveness of university service, (and) continuing growth." One can anticipate, in our view, that similar topics will arise in negotiations.

Furthermore, viewing the role of OER as an agent of the Governor in negotiations, one can anticipate that changes in the State's executive may result in changes in attitude and in policy evidenced in bargaining decisions bearing upon the University. For example, a Governor oriented toward supporting labor in a time of economic recession might favor legislation to authorize an agency shop agreement as a counter to major salary increases. Or, OER in such a circumstance might concur in the principle of parity for all salaries within the University, thus favoring the two-year and four-year colleges, wherein lies the major support for the union, at the expense of the favored position of the university centers. This in turn could alter fundamentally the nature of the

University. One can speculate that a Governor might prove more responsive to the political influence of a University union aligned with a State-wide labor organization. At the present time, however, such consequences remain conjectural. Negotiations on the side of the State have evidenced a balance of input from both Central Administration and the Division of the Budget in the formulation of OER stance at the bargaining table.

If there has been any constraint upon the University by the system of bargaining, it lies in the tendency of collective bargaining to support centralization of authority. A significant aspect of this is the role of State government, especially through OER, as a result of collective bargaining. Another dimension of it relates to the existence a second system-wide organization in the form of the union. As a result, two bureaucratic systems function in tandem, albeit at times not in harmony. On one hand, campus administrators are forced increasingly to look to Central Administration through established organizational channels for direction and authorization related to policies and actions. On the other, faculty leaders and their counterparts for NTPs find it necessary to deal with union headquarters located in the state capital on many matters previously dealt with through campus governing bodies and internal administrative channels.

Another aspect of the above situation surfaces through policies agreed upon by central leaders in both University and union organizationally distant from local conditions and sentiments. Policy determination reflects increasingly a developing personal relationship among Central Administration, union leaders, and officials of State government. One can anticipate in the long run a loss of local campus autonomy, which probably conforms to broader developments associated with government regulation and control in other segments of education and the general society.

In summary, the following specific generalizations about the consequences of collective bargaining follow from the study.

(1) Confirming the trend toward increasing involvement in University affairs on the part of State government, one observer commented: "Collective bargaining has given the political leadership of the State a larger potential for control over SUNY. This was an inadvertent outcome in that no one really anticipated an impact upon education at the time of the original Taylor commission investigation, let alone the State University." However, the nature of such control is a subtle matter. It relates to OER's sensitivity to the wishes of the Governor. It reflects the role of the Division of Budget on the negotiations team of the State. It was evidenced in the preparation of a position paper on faculty workload in response to an expression of interest by the Department of Audit and Control. It is confirmed by the role of OER as the third-step party in the grievance procedures.

Furthermore, as alluded to earlier, collective bargaining has confirmed the position of professional staff members as employees of the State. An official of State government said that a difference of opinion existed initially. He felt that some problems in early negotiations derived from the fact that faculty "were not viewed as state employees in some quarters."

In contrast, speaking as a member of the executive staff of the State, he stated, "We never looked upon them [the faculty] as being anything other than State employees, paid from state funds and in the State retirement system." Although some legislators did speak of the faculty as "professionals employed by the Trustees," interviews disclosed no support for an alternative to the OER as bargaining agent for "management."

A consequence of direct State involvement lies in the pressure from OER to "keep the University in line" with other State agencies. This applies to economic benefits bargained for and agreed to with the union and to grievance processes which assure the "rights of individuals" without regard to academic traditions related to peer evaluation and achievement in an academician's field of specialization. As one person interviewed stated, collective bargaining has given the state government a means to achieve systematization in what he viewed as a previously "chaotic handling" of personnel administration.

(2) A longer range, potential consequence of collective bargaining accompanies the existing arrangements. Interviews brought out not only a passivity within Central Administration about the role of OER, reflecting apparently some relief in the shifting of responsibility for economic settlements, but a confidence in its handling of negotiations. One danger, pointed out in one interview, however, was the precedent thereby established. The interviewee raised the question of the consequences for the University arising from a change in personnel within the State government to individuals less sympathetic to its academic nature. It might present Central Administration with major difficulties, for example, were the Governor and the head of OER to exhibit a less sympathetic stance concerning the role of the University and to press for greater conformity to policies and procedures for other State agencies.

(3) While collective bargaining has reinforced centralization and increased State involvement, there are several constructive outcomes. Accepting the actuality of more State government concern about the management of its institutions, and of a greater determination to improve efficiency and coordination in the use of public funds, bargaining can be said to have led to better management. University administrators have had to adopt arrangements which support consistency and equity in dealings with professional personnel. In large part, formal grievance procedures made this necessary. The existence of a union constitutes a brake against impersonal approaches to long-range planning, especially where retrenchment becomes necessary, on the part of Central Administration and agencies of State government such as the budget division. Faculty and NTPs have a legitimized, formal mechanism to support their interests in a time of financial retrenchment. The negotiation of terms and conditions of employment tends to bring into the open, for rational determination, policies and practices heretofore not faced directly, as occurred as a consequence of bargaining to establish an appropriate system for handling the clinical income of professionals at the health science centers.

(4) During the interviews, several individuals in State government

suggested that the Central Administration and the union share a mutual interest in the welfare of the University. This perception raises the potential, not seriously acted upon to date, for collaboration in pressing jointly for financial support. The fact that the union negotiates with OER mitigates to a degree an adversarial stance toward the Central Administration. While the Chancellor and union officers do confer periodically, it will take time and greater maturity within the union before such collaboration becomes effective. However, one recent example is the joint Central Administration-UUP position against the Division of the Budget in support of the academic status of librarians. Clearly, the administration and the union have much in common. Both have an interest in a good salary structure. Both have a concern with the quality of equipment and facilities. Both will wish to maintain high enrollments of qualified students.

The counterforce to the above form of collaboration probably emanates from the traditionally close relationship of SUNY with the Governor and the influential role of the Governor in the selection of the Chancellor and the Trustees and their officers, described previously. Looking to the future, one can judge that this particular consequence of collective bargaining will depend upon the personal qualities and political philosophy of the Governor and his view of the University, as well as the posture of the union leadership.

(5) One can anticipate an increase in the political nature of decision-making as a consequence of unionism. The interviews supported the fact that UUP gains political strength through its affiliation with the merged AFT/NEA NYSUT union, which has an active lobby in Albany. There has been some speculation that the successful bargaining of the recent salary increase was related to the political relationships involved here, although the relationship between the Governor and Chancellor is given credit for the critical decision which made agreement possible. Certainly, the combined teachers' union does pose to legislators and other politicians the influence of an organization which has demonstrated a capacity for effective political action. With unionization, decisions which involve State government have a greater potential for responding to political pressures.

(6) Any assessment of the impact of collective bargaining must take into account the interests of students. There is some evidence of incipient student organization on a Statewide basis directed toward a possible parallel union. Students do have a representative present at the regular Trustee meetings.* Yet, little mention was made about the impact of collective bargaining upon the rights of students and their potential as a fourth force in University affairs. This remains a dormant question at this time.

(7) Finally, the interviews failed to elicit a recognition of the

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* As of September 1975, students have a non-voting member on the Board.

implications which collective bargaining holds for long-range planning, especially when carried out within the constraints of a "steady-state" economy or, as currently operative, one of consolidation and retrenchment. This looms as a very "mixed bag" at best. Under current practice, planning constitutes a major concern for the Board of Trustees, but must be coordinated with the planning for all higher education in the State carried out by SED as the executive arm of the Board of Regents and reviewed by the Governor.

Collective bargaining has injected a new element in this process. If the scope of negotiations broadens, existing structures and functions will tend to be increasingly "locked in" by the natural union commitment to its present constituency and membership. In any event, changes having consequences for "conditions of employment," which the union likely will view in broad terms, will require consultation if not formal negotiations. This will be the case especially when job security, promotion, tenure, and similar union concerns are involved as they inevitably will be when planning decisions relate to changes in and consolidation of educational programs, to administrative reorganization to shifts in allocation of resources, and to the various other components of the planning process. To compound the difficulties, as the implications of planning decisions reach the "bargaining table," OER enters the arena carrying with it not only its normal concern for policies and practices in other State agencies but the views of the Governor and possibly the Legislature. The latter well may hold quite different opinions about the future than leaders within the University. Central Administration and Trustees may find their planning commitments to broad educational and other institutional policies mitigated by the more immediate political and financial interests of State government.

PUBLIC POLICY IMPLICATIONS

In reviewing the implications for public policy in general which can be drawn from this study, we recognize those differences in organizational structure, in traditions and milieu, and in personalities which are inevitable among the various states. Such differences impose limits upon how generally what we have learned in New York can be applied to other situations. We noted briefly at the outset of this report the differences in public higher education among the various states. It serves no purpose to restate them at this point. However, we do believe that most observers anticipate a common trend in public higher education toward a greater centralization in organization and control. We anticipate an increase in statewide systems of four-year colleges and universities along the same lines as that which exists in New York. Therefore, we do believe that much of what we have observed for this study will have implications of value elsewhere.

As a final step in our study, therefore, we have identified and briefly note below a number of aspects of collective bargaining which appear to have broader significance. Some are self-evident. Yet, we feel that they warrant restatement in the perspective of their policy implications. Others may prove somewhat unique to New York; yet they too warrant consideration in our judgment. Our purpose in at least briefly mentioning all of them for this concluding section reflects our belief that collective bargaining should evolve in terms of the welfare of all concerned with higher education: faculty members, non-teaching professionals, administrators, students, state government officials and legislators, and the general public.

First, we wish to reiterate our personal anxieties mentioned at the outset. We perceive in the movement to collective bargaining, coinciding as it does with an increase in state control of public higher education, possible threats to the fundamental mission of the university. The academic enterprise is a fragile one at best. It deals with teaching and learning and with the advanced skills necessary for professional occupations. It has an obligation to motivate students to seek to know more about themselves, their society, the world, and the physical and moral milieu in which they live. It deals with knowledge and its extension creatively with concomitant implications for societal welfare and even survival. It has an obligation to convey its knowledge to the general society through a variety of processes other than instruction. It hopefully prepares society's leadership. Most fundamentally it should encompass substantive social criticism, to look at the present in ways which lead to change and improvement.

Collective bargaining, we suggest, has the potential for a very significant impact upon the academic enterprise. Its impact need by no means be negative. It can prove a very supportive force. But it has the potential to move in one direction or the other, and this potential should have the attention of those who can and will influence its form and substance.

Certainly, many elements in collective bargaining tend to inject a kind of bureaucratic rigidity in relationships which works against an organizational flexibility founded in the traditional informal relationships and peer evaluation

associated with the university. In a parallel vein, many officers of the executive and legislative branches of state government lack a clear conception of the nature of the academic enterprise and its significance to the society other than that associated with teaching. Collective bargaining legislation couched in the framework of industrial and public unionism holds a potential for perverse intrusions into the affairs of higher education. Participation in negotiations and contract administration by agencies of state government carries with it a potential for homogenizing the university into the governmental system with a loss of its distinctive quality.

More specifically, we have drawn from our analysis of the New York State situation seven generalizations which we believe hold significant implications for the formation and implementation of public policy. These constitute, in effect, consequences of collective bargaining on the part of academic and other professional personnel in the public sector which impact upon the essential nature of the academic enterprise.

(1) *At present, collective bargaining serves as one more force pressing toward a greater centralization of control of public higher education and a loss of institutional autonomy, holding significant implications for the conduct of academic affairs.* The unit determination decision of PERB in New York, for example, has pressed into one homogenized unit personnel and institutions holding quite distinctive functions. It did this, as nearly as we can determine, in the interest of effecting a rational, unified bargaining process--a rationale making very good sense in its terms of reference. Yet, the distinctive mission of university centers is effected when a union primarily representative of the numerically predominant four-year and two-year colleges negotiates with a state agency attuned more to public employee practices. The confirmation of the status of faculty members as employees of the state inherent in both collective bargaining under state permissive legislation and negotiations with an agency of the state government, in another vein, brings the university more closely into the state's executive branch. In the process, the ability of individual campuses to develop and pursue distinctive academic roles suffers.

We perceive the possibility that the inevitable centralization of decision-making accompanying statewide bargaining with an agency of state government can lead to the increased homogenization of a state university system. Unless a conscious effort is made to the contrary, one can anticipate a gradual shift away from a comprehensive university in the direction of a system of state colleges carrying out a teaching mission. In this sense, our observation confirms that of another commentator on unionism in higher education who stressed that over time the endeavor associated with creative scholarship and research may well become limited predominantly to the larger private universities.

(2) *Under collective bargaining, as structured in New York and in most other states, administrators and faculty members can anticipate an increasing formalization of relationships.* The existence of a contract spelling out in considerable detail procedures for its administration, especially in the area of personnel policies, tends in consequence to

parallel conditions associated with civil service employees. While assuring a greater recognition of due process and certainly clarifying and making more consistent much decision making, contractually spelled out procedures do inhibit the traditional flexibility considered essential for the conduct of creative endeavors inherent in teaching and scholarship within an institutional framework. In making judgments, one has to weigh consistency and fairness against individual creativity, of course; but we are moved to urge that attention be given to arrangements which can encompass the "stars," the creative individuals of major status, apparently possible in parallel professional endeavors such as journalism, music and the arts. However phrased, the academic enterprise, in our judgment, does not flourish within narrow bureaucratic constraints. Future policy development for collective bargaining requires attention to this very fundamental aspect of higher education.

(3) *The inherently conservative nature of unionism oriented to protecting its constituency in terms of the status quo will further complicate long range planning, as we have noted earlier in this report.* This conservatism is a natural and by no means a negative aspect of collective bargaining. Yet, it very well may intrude pressures which inhibit an adjustment in higher education to the changing nature of society as reflected by diminishing needs for existing programs and activities and emerging needs for new ones. In times of expansion this kind of problem may be encompassed, but in times of a "steady-state" condition or of decreasing financial support and student enrollments it becomes a significant deterrent to necessary change. Whatever the welfare of individuals presently employed--and these are critical, of course--the continued vitality of the university in society remains the fundamental requirement for the longer range future for the good of all concerned. Somehow the structures and policies which shape the evolution of collective bargaining ought to reflect this consideration.

(4) *Faculty unions with state-wide and national affiliations have proven and likely will prove increasingly a political force by-passing established administrative channels to gain their unique ends through pressures upon state executives and legislators.* The implications of political action are two-fold. In a positive sense, unionism proffers to faculty members an avenue for the protection of professional interests which leads more directly to sources of support than the traditional administrative hierarchy. This looms as particularly significant in complex and massive state systems. It further opens opportunities for union-administrative collaboration in the interests of the institution as a whole, especially in the competition among many agencies for state funds.

Political action has other implications, however. One can anticipate the possibility of an alliance of organized academic professionals and organized labor in general, or at the least a joining of forces with teachers unions. A heightened awareness of the power of such a combination may lead to a general, pervasive acceptance of traditions associated with group action. Professors on the picket line, as a possibility at least, is not the

critical point. What is critical is a less tangible possibility. How will involvement in group political action carry over into the creative, individual endeavor associated with a high degree of impartiality in scholarship and instruction? This may be a *non-sequitor* suggestion, we recognize, yet it does gain a degree of credence in a worsening economic situation which encourages aggressive unionism thrust directly into the political arena.

The prospect of confining union activities to the formal processes of collective bargaining is not a good one, clearly, but we suggest this aspect of the situation warrants at least sensitivity if not more formal attention.

(5) *Collective bargaining poses a challenge to exising forms of faculty governance by establishing a new mechanism which parallels and supports decision making via an administrative hierarchy in statewide systems of public higher education.* One's view of this implication relates to one's perception of the faculty role in governance, and its viability in practice as a means for the expression and protection of professional interests. We admit to a belief in the value of faculty involvement. Thus, we see dangers in the routing of professional involvement into union organization. We have observed the tendency of the union in New York to contend that governance decisions, especially those on personnel affairs, should be solely administrative. This leaves the union free to challenge and appeal. We note also that even the PERB decision separating governance from bargaining implies that governance is not a process shared (in the sense of professionals being involved in matters which effect their professional service) but one allocated to "management rights." Thus, we urge in the formulation of public policy, especially on the part of state employment commissions or boards, deliberate attention to the distinctive function of professionals in the academic enterprise.

(6) *We have identified in this report the tendency inherent in statewide bargaining for a system of public institutions to establish a coterie of individuals in the capital who strongly influence policies related to bargaining and contract administration.* Such individuals constitute the congruence of three organizational structures: that of the union, that of the university system, and that of the state government. Such a congruence illustrates one aspect of our first implication concerning centralization. Yet, in our judgment it deserves discrete recognition. Deliberate attention must be given to the dangers of shifting decision-making to individuals and agencies both separate from the real locus of the enterprise--on the individual campus--and lacking an experiential and value sense of the nature of the enterprise.

(7) *Finally, we wish to emphasize the implications which statewide collective bargaining have for the role and functioning of governing boards.* Traditionally, boards have served as the body most responsible to the public interest for the overseeing and control of higher education. They have served as a barrier between the academic enterprise and more direct external pressures, including those from partisan political forces. We

suggest that bargaining and contract administration, especially when conducted by and with an agency of the state government, can undermine the influence and authority of boards. Ineffectual boards, in turn, will likely fail to attract men and women of high caliber to their service. More fundamentally, ineffectual boards imply other centers of control. For public higher education, this means agencies of state government. It raises to us the potential for making public colleges and universities one more agency of state government, rather than continuing them as largely autonomous entities free, within limits, to function independently of contemporary political control.

As we review in closing the implications which we have noted in this section and see in some retrospect the New York State experience, we come to the conclusion that two of the decisions made in shaping the bargaining process in this state loom as most critical. One was the failure to place the Board of Trustees opposite the union at the bargaining table with the consequent diminution of its corporate responsibility. This may simply confirm legal reality, but it represents in our view a serious undermining of the autonomy of the University. The other was the failure to give serious consideration to the value of a more decentralized approach to bargaining which would have supported the unique character of the several categories of institutions within the SUNY system. Both of these considerations have implications for collective bargaining policy in the public sector. Our statement of them here reaffirms our belief in the necessity to maintain institutional autonomy in public higher education and the necessity to recognize the collective bargaining process as a vital influence supportive of or negative to this autonomy.

*APPENDIX 1: BUDGET PROCESS OF THE STATE UNIVERSITY OF NEW YORK

Budgeting for the operations of the State University of New York must first be placed within the context of the budget process of the State of New York and the other procedures and controls of State government. New York is known as a "strong executive" State. In the preparation of budgets and management of finance, the Governor's authority and responsibilities are probably as great as in any public jurisdiction in the United States. The principal tool is the Executive Budget, the concept of which is generally set forth in the State's Constitution which provides that: "The Governor shall submit an annual budget to the Legislature which is to be a complete plan of expenditures and revenues and such other material as may be necessary to support his proposed budget along with whatever further information the Governor deems proper." It provides also that "for the preparation of the budget, the head of each department of State government except the Legislature and Judiciary shall furnish the Governor such estimates and information in such form and at such times as he may require. . ." The Constitution gives the Governor line item veto power and provides that no other appropriation bills may be acted upon until action has been completed on all of the appropriation bills submitted by the Governor.

Within this framework, specific legislation establishes a Division of the Budget to assist the Governor in carrying out the constitutional mandate. Several decisions by the State's highest court have reinforced the concept of strong Executive authority in budget development.[1] State University of New York is, of course, subject to these constitutional provisions and the finance laws which implement them.

ACADEMIC AND BUDGET PLANNING

The University budget for operations serves no identifiable function of its own, but exists to provide the means by which the educational, research, and service missions of the institution are carried out. In a public institution, the budget is also the vehicle by which public policy is most often expressed by the Legislative and Executive Branches.

The academic plan is thus the heart of budgetmaking, as it is embodied first in the University Master Plan, then in the campus academic plan, and then at the college, school, and departmental level. Obviously, the soundest budget plan balances academic needs and aspirations and the fiscal resources available. This properly leads to the setting of priorities and choices among alternatives. Sometimes, however, under conditions prevalent today in public higher education and in the State of New York, funding decisions are made which have the effect of making academic plans fit fiscal decisions.

As plateauing of resources and enrollment collide with aspirations today, financial and academic planning problems increasingly require a University-wide view in resolution. Two examples of the need for sound academic planning as related to fiscal planning may be cited. State University embraces many complementary yet competing interests such as technical education, medicine, liberal arts, teacher training, each of which presses for program support and funding. There are four Health Science Centers, the State appropriations for which now exceed $90 million. That total will necessarily grow at a rapid rate if plans for health science education and commitments made in earlier legislation are to be met, yet the number of

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[1]The most comprehensive treatment of the Executive Budget concept is found in *People v. Tremaine*, 1929, 252 N.Y., 168 N.E. 817.

* This appendix and the following one are based upon informal statements prepared by the staff in Central Administration of the University.

students to be served will remain small relative to the overall educational mission. The proportion of students in the health sciences is 3.5 percent; the share of the operating budget is 16.5 percent. Inevitably, questions are raised in other units whether meeting these needs within appropriation limits imposed by the State may seriously dilute support of all other programs of the University.

On a quite different front, major changes in admissions policies of any campus or group of campuses are likely to have a significant ripple effect throughout the system.

These examples illustrate the difficult, but essential, coordination in planning that is a necessary element of budget development. This process is further complicated by many factors, such as tenure, collective negotiations, changing student goals, and employment patterns, over which the University does not have total control. And the task of budget administration and financial management in a unified University is to balance campus autonomy and initiative on the one hand with the coordination, common procedures, and accountability necessitated by the requirements of the finance laws on the other.

BUDGET-BUILDING PROCESS

Building the annual operating budget is now a relatively well-established process. The initial call for preparation of budget requests occurs approximately 15 months preceding the year to be budgeted. For example, the 1974-75 budget process was begun in February of 1973 immediately after release of the 1973-74 Executive Budget. The call for preliminary budget submissions includes general, though relatively specific, guidelines which are not at that time binding but are designed to encourage campus and University-wide discussion. The one fundamental guideline is that the budget requests must be in harmony with, and designed to implement, the approved Master Plan. Fulltime equivalent enrollment (workload) targets are suggested along with other workload and programmatic areas of emphasis. The format of the preliminary budget is prescribed and is designed to focus attention on program proposals and to provide essential cost data. In addition, cost projections for at least five years are required for all new programs.

Campus budget building proceeds on what might be called a modified formula approach. The basic formula is the student-faculty ratio which determines the number of faculty positions. From the latter derives a "support" allocation which covers secretarial and technical assistance, supplies and expense funds, and related items. There are also ratios for library support, student services, and plant maintenance. Differential ratios are provided for different types of campuses, and allowances are made for developing campuses and other special situations.

Budget-making at the campus level varies, but there are some fairly consistent elements. Most Presidents conduct hearings with department heads, and consult with a faculty budget committee which has varying degrees of responsibility. These campus practices are assumed to be internal matters and the central staff looks to the President for full responsibility in campus budget development.

After the preliminary budgets are received, a half or full-day hearing is held with the Presidents and other representatives of each campus. The Vice Chancellors and key members of their staffs in Academic Programs, Finance, University-wide Services, and Policy and Planning participate. There is full discussion of all the issues identified in the campus proposals particularly as these issues might relate to University-wide policies. On completion of the hearings, all the campus requests are aggregated and analyzed in terms of the Master Plan, University-wide program goals, fiscal feasibility, and the general fiscal conditions of the State.

The formation of the Council of Presidents has resolved one difficult problem in University budgeting, that of appropriate consultation, and has now provided an effective mechanism for such consultation. The Presidents participated in two sessions in the 1974-75 budget cycle. In May, prior to the campus budget hearings, the Chancellor convened a meeting of Presidents of all State-operated campuses, and Presidents of representative community colleges, to discuss general budget issues and strategies. Then, after completion of the hearings, the Council of Presidents met in early July to review the consolidated campus requests and advise the Chancellor on the broad educational and fiscal policies which should govern the University's 1974-75 budget request. There was general

concurrence among the Council members in the policies and strategies to be followed.

Following the analysis and decision, specific targets are then prepared for each campus by the central staff, and the Presidents asked to submit their final budget requests by the end of August, this time in a format prescribed by agreement between the University and Division of the Budget. The campus budgets are reviewed for accuracy, completeness, and compliance with policy. They are consolidated in a unified budget presentation, and then sent to the Division of the Budget where they are usually due about September 10. The Division of the Budget forwards copies of each campus request to the fiscal committee of the Legislature.

Following this submission, the Division of the Budget holds informal hearings with campus and central staff personnel. Sometimes these sessions are conducted at the campus and sometimes in the office of the Division of the Budget.

By law, the Director of the Budget is required to hold a formal budget hearing for each State agency or department. The University's hearing is usually scheduled in late November at which time the Chancellor presents and defends the unified budget request of the University. The hearing focuses on major University-wide policy issues in the request. Members of the Legislature and their staffs attend and often participate, but this is primarily a Division of the Budget activity. Thereafter, the Budget division studies and prepares its decisions with respect to the University budget. There is some consultation with the Chancellor and his staff during this period, of course, particularly in the form of requests for explanation or clarification.

The Governor submits his Executive Budget to the Legislature at the outset of the session in mid-January and the Legislative fiscal committees hold their formal budget hearing in early February. At this hearing the Chancellor will once again present the budget of the University, but his task is primarily to defend the Executive Budget recommendations. At this stage, the Division of the Budget assumes for the Governor much of the burden of supporting the Executive Budget recommendations for the University. Normally, there is extensive informal discussion among the staff of the Legislative committees, Division of the Budget, and the central staff. From time to time, campus Presidents participate also. The Legislative committees present their recommended appropriation bill during late March and seek action on it before April 1, the beginning of the State's fiscal year.

APPENDIX 2: DESCRIPTION OF RELATIONSHIPS OF THE STATE UNIVERSITY WITH AGENCIES OF STATE GOVERNMENT

The following comments briefly describe the manner in which the Central Administration of the State University interacts with the Office of the Governor, the Legislature, offices of the executive branch.

THE OFFICE OF THE GOVERNOR

Quite apart from the direct, personal interest in, and support of, the University by the Governor, there are several operational aspects of University affairs in which there is interface with the Governor's Office. The Secretary to the Governor serves as director of State operations and has broad responsibility in management of State government. He is a key officer in the flow of information between the University and the Executive Branch. The Secretary is also directly concerned with all matters of State policy. Thus, reports of activities, responses to inquiries, and recommendations on specific matters flow from the Chancellor and central staff to the Secretary, and reports, reactions, and indications of matters of State-wide interest which have come to the Governor's attention flow to the University via the Secretary's office. Similarly, University activities which may touch State policy are reviewed with the Secretary. An example is a recommendation for improving State participation with or changing the governance of the community colleges, which are locally sponsored.

The Counsel to the Governor has responsibility for developing and coordinating the Governor's legislative program which is introduced annually in "program bills" and "departmental bills." Because of the administrative structure which is mandated by the State Constitution, the legislative program sponsored by the Board of Trustees is handled through this process. Thus, there are frequent contacts with the Counsel in both design and preparation of legislation, and in presenting the University's position to the Governor on bills which the Legislature has passed. The central staff consults with the Counsel as appropriate in the administration of specific statutes and with respect to Federal legislation.

The central staff also communicates with the Governor's Appointments Secretary in the process of developing Gubernatorial appointments to the College Councils, community college boards of trustees, and other official agencies. And there are communications from time to time with other components of the Executive branch such as the Press Secretary, the Office of Planning Services, and the Women's Unit.

The Governor has a direct role in the master planning process. The Board of Regents transmits its approved State-wide master plan for post-secondary education to the Governor for his review and action. Similarly, each master plan amendment moves from the Board of Regents to the Governor for review and specification.

Virtually all relationships with the Governor's Office are conducted by the Chancellor and members of the central staff.

THE LEGISLATURE

The Governor, in collaboration with the Board of Trustees and the Chancellor, has encouraged the Legislature to provide the financial resources necessary to develop the University.

The Legislature has been supportive in ways which go far beyond fiscal appropriations. It has been rather well informed about University affairs. However, as a consequence of strong

Executive action, and also because of the State administrative structure and "departmental bill" process, the University did not in the years of tremendous growth develop a formal, comprehensive program of legislative relations.

Nor does the University now press its budget requests or legislative program directly with the Legislature. It does make available pertinent information on behalf of Executive Budget recommendations and in support of program bills approved by the Governor. And it is responsive to the many legislative inquiries about specific bills, constituent requests, policies, and related matters.

Presidents and other members of the campus seek to familiarize members of the Senate and Assembly who represent districts in which the campus is located with the campus and its education programs and services. This contributes as well to an understanding of the University as a whole. They also respond to matters in which the local legislators express interest.

The central staff provides information about the University to all members of the Legislature and responds to their inquiries and requests. Principally through efforts of the Chancellor and designated members of his staff, the legislative leadership is consulted, and contacts are established with committee chairmen and their staffs, with the fiscal committees and the education committees receiving special attention. During the legislative session in particular, there is a daily flow of information to committee staff.

THE STATE AGENCIES

While State University deals with more than six agencies and offices of State government, its operations are inter-locked with six major agencies: Department of Audit and Control, Division of the Budget, Department of Law, Department of Civil Service, Office of General Services, and Office of Employee Relations.

Department of Audit and Control

In addition to his responsibilities for pre-audit and payment of payrolls and vouchers, supervision of collection of revenues, audit of accounts, and other controllership functions, the Comptroller, as head of the Department of Audit and Control, reviews and approves all proposed State contracts, issues opinions on all phases of business operation, manages the State debt, invests funds, and operates the State retirement system. The Department is also responsible for post-audits in all New York State government.

The Department performs its functions with care and is disposed to interpret its rules and regulations meticulously. It also insists on thorough legal support, especially in statute, for its decisions and actions.

Division of the Budget

As earlier indicated, the Division of the Budget performs a critically important role in the Executive branch in management of State finance and management of State operations. Very few statutes, and certainly none with fiscal implications, fail to contain the clause "Subject to approval of the director of the budget." The Division has an administrative management and systems unit which works with the central staff on University-wide matters, an engineering and planning unit which supervises spending for capital construction, and a research unit which has responsibility for all revenue estimates and for long-term projections of State expenditures.

Department of Law

The elected Attorney General heads the Department of Law. He is the chief legal officer of the State and is responsible for representing the State in all matters of law.

The State University Counsel serves as legal adviser to the University, interprets law and regulation to guide decisions, and acts to insure that University actions comply with statute. In most court proceedings, however, the Attorney General formally represents the University in close collaboration with the Counsel.

In addition, the Attorney General renders opinions on the provisions of specific legislation, and must approve every State contract "as to form."

The campuses have only infrequent interaction with the Department of Law. Contracts

are for the most part initiated by a campus and, after concurrence by the central staff, are handled by the central staff which coordinates them with the Departments of Law and Audit and Control and the Division of the Budget.

Department of Civil Service

The Department of Civil Service is the central personnel agency for State service and administers the Civil Service Law. The Department has also taken an active role in training and placement of minority and disadvantaged persons in State government.

In its daily work, the Department prepares examinations for initial employment and promotion, classifies positions according to duties and salaries, hears complaints, and provides counseling services.

The Civil Service Commission heads the operations of the Department. It hears appeals and assists local government units in their civil service procedures in addition to its function at the State level. Interestingly enough, the 1967 legislation which created the Public Employment Relations Board placed the Board in the Department of Civil Service, although authorizing it to function independently of the Commission.

Every classified position in University service at the State-operated campuses is covered by the civil service statutes and the rules and procedures of the Department. This means, for example, that every new classified position included in the Executive Budget and authorized by legislative appropriation, must be established by the Department. It must be graded, and a class and salary established. Candidates must be sought from eligibility lists. If the position is new to State service, examinations must be prepared and administered to establish eligibility lists.

These processes are originated by the campuses and advanced by the central staff to the Department. They tend to be complex and, although it is not the Department's intention to delay, inevitable delays arise in completing them.

There are approximately 15,000 classified employees at the State-operated campuses. Each is covered by civil service regulations as to job security, leave, promotion, retirement, and other benefits. To complicate matters further, each is covered by the provisions of one of the four collective agreements negotiated by the State and the Civil Service Employees Association, a State-wide union, or by the agreement covering security officers negotiated with Council 82 of the American Federation of State, County and Municipal Employees.

Campuses do have some direct interaction with the Department, although most of the transactions are handled by the central staff. Through its personnel functions, the central staff endeavors to interpret campus requirements to the Department and also assist the campuses in meeting Departmental requirements.

Office of General Services

The Office of General Services performs general "housekeeping" services for all State government, and also provides common services to State agencies. The University interacts principally with its division of standards and purchases, and primarily in connection with purchases of goods and services. The standards and purchases group establishes standards and procedures for State purchasing, develops continuing State-wide contracts with vendors, and procures supplies, materials, and equipment.

In addition to its purchasing activities, the Office of General Services provides real property services in procuring space, communications services, and computer service for certain State agencies. The University works with and through the Office in certain real property and communications matters.

APPENDIX 3: INDIVIDUALS INTERVIEWED

ACKLEY, Sheldon, Assistant to the President, State University of New York at Stony Brook.

BLOCK, Murray H., Deputy to the Chancellor, State University of New York.

BOGAARD, Andrew T., Assistant Director of State Payroll Audit, Department of Audit and Control, State of New York.

BOYER, Ernest L., Chancellor, State University of New York.

CARR, William, Secretary to the Board of Regents, State Education Department, State of New York.

CONKLIN, Kenneth H., Director, Professional Employee Relations, State University of New York at Buffalo.

DEGNAN, Helen D., Chief Salary Determination Analyst, Department of Audit and Control, State of New York.

DeLUCIA, Lawrence A., former President of United University Professions, and Professor, Department of Economics, State University College/Oswego.

DiSTEFANO, Henry, Professor, Department of Anatomy, Upstate Medical Center, State University of New York.

DOTY, Edward W., Vice President for Finance and Management, State University of New York at Buffalo.

DOUGHERTY, William, Labor Counsel, Office of Majority Leader, Senate, State of New York.

DULLEA, Henry, Acting Associate Chancellor for Community Colleges and former Deputy to the Chancellor for Government Relations, State University of New York.

ERTELL, Merton W., Acting Vice President for Academic Affairs at State University of New York at Buffalo and former Deputy Vice Chancellor, State University of New York.

HANNA, John Jr., former Counsel and Acting Director, Office of Employee Relations, State of New York.

HOLLANDER, T. Edward, Deputy Commissioner for Higher Education, State Education Department, State of New York.

HURD, T. Norman, former Secretary to the Governor and Director of State Operations and former Director of the Division of the Budget, State of New York.

IVES, Martin, Deputy Comptroller, Division of Audit and Accounts, Department of Audit and Control, State of New York.

IVY, Horace, Director, Social Service Department, Upstate Medical Center, State University of New York.

JONAS, Steven, Associate Professor, Department of Community Medicine, State University of New York at Stony Brook.

JONES, Ruth, Assistant Chief Budget Examiner, Employee Compensation and Relations Unit, Division of the Budget, State of New York.

KELLY, James F., Executive Vice Chancellor, State University of New York.

KERSHAW, Leonard, Assistant Director, Office of Employee Relations, State of New York.

KETTER, Robert L., President, State University of New York at Buffalo.

KLEIN, Robert, Associate Budget Examiner, Division of the Budget, State of New York.

KOMISAR, Jerome B., Vice Chancellor for Faculty and Staff Relations, State University of New York.

LANDES, Irwin J., Chairman, Committee on Higher Education, Assembly, State of New York.

LANE, Bernard, Assistant Professor, Department of Pathology, State University of New York at Stony Brook.

LAVINE, Abe, former Director, Office of Employment Relations, State of New York.

LEFKOWITZ, Jerome, Deputy Director, Public Employment Relations Board, State of New York.

LILIEN, Otto M., Professor and Chairman, Department of Urology, Upstate Medical Center, State University of New York.

LISTER, William, Professor, Department of Mathematics, State University of New York at Stony Brook.

MacKENZIE, Kenneth M., Provost for Life Long Learning and former Vice Chancellor for Personnel and Employee Relations State University of New York.

MARGOLIS, Edwin, Legislative Counsel, Office of the Speaker, Assembly, State of New York.

MARSH, Leland, Professor, Department of Biology, State University College at Oswego, and former head of negotiations team for United University Professions.

MARTIN, Douglas, Administrative Director, Division of Audit and Accounts, Department of Audit and Control, State of New York.

MURPHY, Thomas, Counsel, Ways and Means Committee, Assembly, State of New York.

NAPLES, Caesar, Assistant Vice Chancellor for Faculty and Staff Relations, State University of New York.

OAKS, J. Howard, Vice President for Health Sciences, State University of New York at Stony Brook.

OSTERMAN, Melvin H., Jr., former Director, Office of Employee Relations, State of New York.

PARRY, James, Assistant to President for Personnel Relations, State University College at Oswego.

PATTINSKY, Barnard, Assistant Vice President for Finance and Management, Health Sciences Center, State University of New York at Stony Brook.

PERDUE, James E., President, State University College at Oswego.

POPPEY, Harry W., Personnel Director, State University of New York at Buffalo.

ROBERTS, Albert B., Director of Minority Staff, Ways and Means Committee, Assembly, State of New York.

ROSS, Gilbert S., Professor and Chairman, Department of Neurology, Upstate Medical Center, State University of New York.

RUBIN, Harold, Examiner, Division of Budget, State of New York.

RUBENSTEIN, Howard, Counsel, Office of Employment Relations, State of New York.

SCHMIDT, Richard P., President, Upstate Medical Center, State University of New York.

STAFFORD, Ronald B., Chairman, Committee on Higher Education, Senate, State of New York.

STEPHENS, Willis H., Ranking Minority Member, Ways and Means Committee, Assembly, State of New York.

STONE, Robert D., Counsel and Deputy Commissioner, State Education Department, State of New York.

VALTER, John, Assistant to Vice President for Health Sciences, State University of New York at Stony Brook.

VEILLETTE, Paul, Chief Examiner, Division of the Budget, State of New York.

WAKSHULL, Samuel J., President of the United University Professions and Associate Professor, Department of Mental Retardation, State University College at Buffalo.

WALES, Darwin R., Trustee, State University of New York.

WARREN, James J., Vice Chairman, Board of Trustees, State University of New York.

WHITEMAN, Michael, former Counsel, Office of the Governor, State of New York.

WILLCOX, Ann, Director of Nursing Services, Ambulatory Care, Upstate Medical Center, State University of New York.

APPENDIX 4 : SECONDARY SOURCES

Articles in professional journals, dissertations, reports and other secondary sources dealing with collective bargaining in the State University of New York are few in number. Those used as background for this study were the following:

Angell, George W., "Collective Negotiations in Upstate New York," *Junior College Journal*, 42: 9-11, October 1971.

Angell, George W., "Two-Year College Experience," in *Faculty Unions and Collective Bargaining* (E.D. Duryea, Robert S. Fisk, and Associates), San Francisco: Jossey-Bass, 1973.

Doh, Herman, "Collective Bargaining in SUNY: The Story of the Senate Professional Association," *Journal of the College and University Personnel Association*, 25: 22-39, January 1974.

Doh, Herman and Stanley Johnson, "Collective Bargaining in SUNY: The Experience of Fifty Local SPA Leaders During the First Year," *Journal of the College and University Personnel Association*, 25: 55-73, April 1974.

Fisk, Robert S. and William C. Puffer, "Public University System: State University of New York," in *Faculty Unions and Collective Bargaining* (E.D. Duryea, Robert S. Fisk, and Associates), San Francisco: Jossey-Bass, 1973.

Lefkowitz, Jerome, *Legal Basis of Employee Relations of New York State Employees*, New York: Association of Labor Mediation Agencies, 1973.

Puffer, William C., *Collective Bargaining in Higher Education: Case Study of the Senate Professional Association in New York State*, Doctoral dissertation in progress, State University of New York at Buffalo.

Satryb, Ronald P., *The Grievance Appeals Process within the State University of New York: A Descriptive Analysis*. Unpublished doctoral dissertation, University of Virginia, 1974.

Satryb, Ronald P., "Evolution of the SUNY Grievance Procedures from the First Contract to the Second," *Journal of the College and University Personnel Association*, 26: 46-52, July-August 1975.